

TOWN OF ORANGETOWN PLANNING BOARD

Meeting of October 27, 2010

MEMBERS PRESENT:

Bruce Bond, Chairperson; Kevin Garvey; Vice Chairperson; John Foody; Andy Stewart; William Young and Robert Dell

MEMBERS ABSENT: Jeffrey Golda

ALSO PRESENT: John Giardiello, Director, Department of Building, Zoning , Planning Administration and Enforcement, Robert Magrino, Deputy Town Attorney, Richard Pakola, Deputy Town Attorney, Ann Marie Ambrose, Stenographer and Cheryl Coopersmith, Chief Clerk

Bruce Bond, Chairperson called the meeting to order at 7:40 p.m. Mr. Garvey read the agenda. Hearings as listed on this meeting's agenda which are made a part of these minutes, were held as noted below:

Tappan Shopping Center/Retro Fitness Gym Site Plan 77.15/1/41; CS zoning district	Consultation	PB #10-48
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Bradley Corporate Park Plan Temporary Grading Plan for Building #15B and SEQRA Review 70.06/1/50.4; LO zoning district	Continued: Needs Drainage	PB #10-49
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Tappan Golf Range Site Plan Area A – Go Kart Area and Area B- Batting Cages Final Site Plan Review / Amendment to Approved Site Plan 74.19/1/1; LI zoning district	Final Site Plan Approval Subject to Conditions	PB #10-50
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<u>Continued Items from September 15, 2010 Meeting</u>		
Highland Mews at Sparkill Subdivision Plan Prepreliminary/Preliminary Subdivision Plan and SEQRA Review Sparkill Overlay Zone 77.08/5/49; CS zoning district	Preliminary Approval Subject to Conditions Neg. Dec.	PB #10-30

**Meeting of October 27, 2010
Town of Orangetown Planning Board**

**Highland Mews at Sparkill
Site Plan**
Prepreliminary/Preliminary
Site Plan and SEQRA Review
Sparkill Overlay Zone
77.08/5/49; CS zoning district

**Preliminary Site
Plan Approval
Subject to Conditions
Neg. Dec.**

PB #10-31

Continued Item from September 29, 2010 Meeting:

**St. Thomas Aquinas College
Athletic Field Site Plan**
Prepreliminary /Preliminary/
Final Site Plan
and SEQRA Review
74.20/1/2; LO zoning district

**Postponed
to November 10th
Meeting**

PB #10-41

The decisions of the October 13, 2010 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Kevin Garvey and seconded by William Young and carried as follows: Robert Dell, aye; Kevin Garvey, aye; Bruce Bond, aye; Jeffrey Golda, absent; John Foody, aye; Andy Stewart, aye and William Young, aye.

The Decisions of the above hearings, as attached hereto, although made by the Board before the conclusion of the meeting are not deemed accepted and adopted by the Board until adopted by a formal motion for adoption of such minutes by the Board. Following such approval and adoption by the Board, the Decisions are mailed to the applicant. The verbatim transactions are not transcribed, but are available.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Kevin Garvey and seconded by John Foody and agreed to by all in attendance. The meeting was adjourned at 9:30 p.m. The next Planning Board meeting is scheduled for November 10, 2010.

**DATED: October 27, 2010
Town of Orangetown Planning Board**

**PB #10-48: Tappan Shopping Center/Retro Fitness Gym Site Plan -
Consultation
Town of Orangetown
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TO: J. David MacCartney, Jr., Feerick, Lynch, MacCartney, 96 South
Broadway, Nyack, New York 10960
FROM: Orangetown Planning Board

RE: Tappan Shopping Center/Retro Fitness Gym Site Plan: The application of Royal Properties, applicant, for Tappan Shopping Center, Inc., owner, (J. David MacCartney, Jr., attorney for the applicant) for a Consultation of a site to be known as "Tappan Shopping Center/Retro Fitness Gym Site Plan", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 51-57 Route 303, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.15, Block 1, Lot 41 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 27, 2010**, the Board made the following determinations:

J. David MacCartney, Jr. and Sam Vieira appeared and testified for the applicant. The Board received the following communications:

1. Project Review Committee Report dated October 20, 2010.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated October 27, 2010.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., October 21, 2010.
4. A Narrative Summary, prepared by J. David MacCartney, Jr., Feerick, Lynch, MacCartney, dated October 13, 2010.
5. PD-1; Parking Calculations for Prop. Interior Renovations New Retro Fitness Gym; prepared by SFV Design Inc., dated October 8, 2010.
6. Copy of Signed Site Plan, prepared by M-DIS Design Group, dated August 17, 2006, last revised July 27, 2007.

CONSULTATION: In view of the foregoing and the testimony before the Board, the applicant was provided with the following comments:

**PB #10-48: Tappan Shopping Center/Retro Fitness Gym Site Plan -
Consultation
Town of Orangetown
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1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
 2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations
 3. Physical fitness is a use permitted by right.
 4. The parking calculations shall be explained and discussed with the Planning Board.
 5. A proper Site Plan that conforms to Section 21 of the Town of Orangetown Code Book –Land Development Regulations, shall be provided for review.
 6. The property owner is reminded that any change in use of the existing space will require a re-assessment of the sewer unit structure for said building. The owner shall contact the Town of Orangetown Sewer Department for this re-assessment.
 7. Approval from the Town of Orangetown Architecture and Community Appearance Board of Review will be required.
 8. Approval from the New York State Department of Transportation will be required.
- The Clerk to the Board is hereby authorized, directed and empowered to sign this **Consultation** and file a certified copy in the Office of the Town Clerk and the Office of the Planning Board.

**Dated: October 27, 2010
Town of Orangetown Planning Board**

PB #10-50: Tappan Golf Site Plan – Final Approval of Amendment to Approved Site Plan Subject to Conditions – Area A Go-Karts and Area B Batting Cages

Town of Orangetown Planning Board Decision

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TO: Donald Brenner, 4 Independence Avenue, Tappan, New York 10983
FROM: Orangetown Planning Board

RE: Tappan Golf Range Site Plan Amendments: The application of Closter Golf Inc., II, owners, (Donald Brenner, Attorney for the applicant), for Final Review of Amendments to the Approved Site Plan - Area A: Go Kart Area and Area B: Batting Cages, at a site known as "**Tappan Golf Range Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 118 Route 303, Tappan, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.19, Block 1, Lot 1; LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held, **Wednesday, October 27, 2010** at which time the Board made the following determinations:

Donald Brenner and Bill Youngblood appeared and testified for the applicant. The Board received the following communications:

1. A Project Review Committee Report dated October 20, 2010.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated October 27, 2010.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated October 21, 2010.
4. Letters from HDR, signed by Harvey Goldberg, P.E., dated September 23 and July 25 and 27, 2010.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated October 18, 2010.
6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated October 13, 2010.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated September 21, 2010.

PB #10-50: Tappan Golf Site Plan – Final Approval of Amendment to Approved Site Plan Subject to Conditions – Area A Go-Karts and Area B Batting Cages

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8. Letters from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., dated October 22, April 10 and January 5, 2010.
9. Plan prepared by William Youngblood Land Surveying, dated July 1, 2010, last revised July 28, 2010:
 - Drawing 1 of 3: Revised Site Plan
 - Drawing 2 of 3: Revised Grading & Utility Plan Detail Area “A”
 - Drawing 3 of 3: Revised Grading & Utility Plan Detail Area “B”
10. A letter signed by Donald Brenner, P.E., LL.B., dated September 15, 2010.
11. Copies of ACABOR #10- 36, Approved Subject to Conditions, dated October 21, 2010, PB#10-15: Preliminary Approval Subject to Conditions - Amendment to Approved Site Plan – Area A Go-Karts, dated July 28, 2010, PB#10-16: Preliminary Approval Subject to Conditions - Amendment to Approved Site Plan – Area B Batting Cages, dated July 28, 2010, ACABOR #08-41, Approved Subject to Conditions, dated May 20, 2008 and ACABOR # 07-37, Approved Subject to Conditions, dated May 20, 2008.

The Board reviewed the plan.

The hearing was then opened to the Public. There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Kevin Garvey and seconded by William Young and carried as follows: Bruce Bond, aye; Andy Stewart, aye; John Foody, aye; William Young, aye; Robert Dell, aye; Jeffrey Golda, absent and Kevin Garvey, aye.

DECISION: In view of the foregoing and the testimony before the Board, the application was GRANTED A FINAL SITE PLAN AMENDMENT – (AREA A AND AREA B) SUBJECT TO THE FOLLOWING CONDITIONS:

1. The following note shall be placed on the Site Plan: “At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting.”
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

PB #10-50: Tappan Golf Site Plan – Final Approval of Amendment to Approved Site Plan Subject to Conditions – Area A Go-Karts and Area B Batting Cages

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3. The applicant shall comply with all previous Board Decisions: ACABOR #10- 36, Approved Subject to Conditions, dated October 21, 2010, PB#10-15: Preliminary Approval Subject to Conditions - Amendment to Approved Site Plan – Area A Go-Karts, dated July 28, 2010, PB#10-16: Preliminary Approval Subject to Conditions - Amendment to Approved Site Plan – Area B Batting Cages, dated July 28, 2010, ACABOR #08-41, Approved Subject to Conditions, dated September 23, 2008 and ACABOR # 07-37, Approved Subject to Conditions, dated May 20, 2008.
4. The pathway shall be relocated and 10 parking spaces shall be removed.
5. Revised drainage calculations shall be prepared for both Areas A and B.
6. Revised Soil Erosion and Sediment Control Plans and Details shall be prepared for both Areas A and B.
7. The Planning Board's Drainage Consultant recommends acceptance for drainage for the Amended Final Site Plan. The Consultant's letter dated July 25, 2010 remains in effect with regard to the Applicant's request to modify the approved drainage facilities as a field change.

The Applicant proposes to modify the previously approved site plan for this project. The Applications for the proposed modifications have been submitted separately for the two areas, Area A (Go-Kart Area) and Area B (Building for Batting Cage). The proposed changes include the following:

Area A

- Removal of a proposed bathroom building.
- Addition of a 55' by 65' maintenance/storage/fueling building as a replacement for a Go-Kart pit.
- Reconfiguration of parking areas and reduction of parking spaces from 66 to 41.

Area B

- Removal of a proposed maintenance/storage/waiting area building.
- Addition of a 100' by 100' batting cage building.
- Addition of a 20' by 30' golf club fitting shop.

Additionally, the Applicant is proposing to modify the approved drainage plan as a "field change." In this regard the Applicant has submitted the following three drawings:

PB #10-50: Tappan Golf Site Plan – Final Approval of Amendment to Approved Site Plan Subject to Conditions – Area A Go-Karts and Area B Batting Cages

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Continuation of Condition #7....

- Drainage Field Change Plan, June 29, 2005, Sheet 1 of 1
- Revised Site Plan, July 1, 2010, Sheet 1 of 3
- Revised Grading and Utility Plan Area A, July 1, 2010, Sheet 3 of 3

The Approved Site Plan consisted of 24 sheets of which approximately half contained information regarding drainage. The approved drainage facilities consisted primarily of 60" ADS pipe used for detention storage and numerous related components including catch basins, drywells, inlet and outlet structures, sump pits, etc. These facilities were custom designed with sizes, dimensions and elevations to suit the specific conditions of the site.

The Applicant is requesting to replace the 60" ADS pipe with Stormtech Chambers as a field change. Although the Drainage Consultant has accepted StormTech systems in the past on other projects when properly designed, they do not recommend that the Planning Board accept the substitution without a detailed submission of plans and calculations for approval. The drawings submitted by the Applicant are insufficient (and too small and illegible in some instances).

Specifically, the plans do not show sufficient details to permit construction. All information must be included on the plans and shall be clear, legible and at an appropriate scale. The Applicant shall submit a Stormtech Design Manual with its next submittal. The design shall comply with the manufacturer's recommended installation and maintenance procedures for the Stormtech Chambers that are proposed and must be shown completely on the plans (reference to the manufacturers manual is not acceptable).

The Drainage Report must be updated to agree with the revisions and must be resubmitted.

The details for all structures must be drawn on the plans to scale and shall include plan and sections and all dimensions and elevations to permit construction.

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Continuation of Condition #7....

Inlet distribution flow calculations for each row of chambers (include flow rates and pipe sizes) shall be provided.

A plan for maintenance of the Stormtech Infiltration System by the owner must be added to the drawings and should provide for the cleaning (or replacement) of the chambers should they become clogged or damaged. Notes should be added to the Site Plan that state that the system will be maintained by the Owner, and that it will be inspected at regular intervals (e.g. at least once every three months) and during periods of heavy rainfall.

Provide a profile of the Stormtech system drawn to scale. The profile shall start at the connection to the inlet storm sewer and continue through the inlet chambers, the Stormtech chambers, the outlet chambers and end at the discharge storm sewer. All elevations and inverts shall be indicated. Maximum 100-yr water elevations shall be shown on the profile at each structure and in the chambers. Calculations for determining the elevations shall be provided.

Typical longitudinal and transverse cross-sections for the Stormtech chambers must also be provided.

All dimensions for the Stormtech beds must be shown on the large scale plans (e.g. overall bed width and length, number of rows, number of chambers, spacing between rows, chamber location, active isolator rows, passive rows, inspection ports, etc).

The Stormtech Chamber Details on Sheet 1 of 1 appear to have been copied from Stormtech and contain labels that are not relevant to this project. The details must be specific to this project, not generic Stormtech details (e.g. depth to be determined by design engineer, 9" min).

Provide inlet and outlet details for the active isolator rows and the passive rows. Provide a detail that shows how the isolator row is to be constructed (e.g. wrapped in filter fabric). Generally the passive rows do not have inlet pipes and the active isolator rows do not have outlet pipes.

Additional comments may be added based on revised plans and calculations to be provided.

Future submittals shall include all of the 24 drawing sheets that will be affected by the amended conditions.

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8. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:

The concerns expressed in the April 5, 2010 letter from the Palisades Interstate Park Commission shall be addressed and the needed elevations, landscape and other plans provided. An updated letter from the PIPC, indicating that the proposed plans are acceptable, shall be obtained.

The concerns in the April 13, 2010 and January 9, 2009 letters from the New York State Department of Transportation shall be addressed and any required permits obtained.

It is the understanding of the Rockland County Department of Planning that the Town has accepted or adopted the Palisades Interstate Parkway Corridor Management Plan. If this is the case, the proposed revised site plan shall be evaluated by the Board for consistency with the design concepts established in the plan for the subject property.

There shall be no net increase in stormwater runoff from the site.

The revised site plan shall comply with the provisions of the Route 303 Overlay Zone.

Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.

Any required connections for the fire department shall be designated on the site plan and kept clear for easy access by the emergency response vehicles.

The Rockland County Department of Planning requests the opportunity to review any variances that may be requested from the Town of Orangetown Zoning Board of Appeals in order to implement the revised Site Plan, as required by New York State General Municipal Law, Section 239-m, (a)(v).

The numbering of the notes on the Site Plan, Sheet 1 of 3, that follow Note #9 appears to have been left off and shall be corrected.

9. The Rockland County Department of Highways found that the proposed project as submitted shall have a de minimis impact to county roads in the area.

10. The Rockland County Department of Health (RCDOH), Environmental Health Program reviewed the site plan and offered the following comments:
- Cleanouts are to be provided at all bends in the 4" sewer line serving the proposed building in Area "A" at station 3+07 +/-.

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**Town of Orangetown Planning Board Decision
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11. New York State Department of Transportation has reviewed the plans and found that comments dated January 5, 2010 have not been addressed. In addition, the existing ditch adjacent to Route 303 in which the onsite drainage leaves the site is beginning to erode and will need to be repaired.

January 5, 2009 Comments:

- 1) The plans shall indicate a limit of disturbance to ensure work will not be done on the state right of way without prior approval
- 2) A permit will be required for utility connections needed in the state right of way.
- 3) All signs shall be placed 15 feet outside the state right of way. Sign #2 must be removed from the state right of way. The off set of Sign #1 shall be shown on the plans.

12. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans prior to signing the final plans.

13. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.

14. TREE PROTECTION: The following note shall be placed on the Site Plan:

The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

One (1) foot radius from trunk per inch DBH

Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:

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Continuation of Condition #14.....

Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.

Light Impacts Only – Installation of $\frac{3}{4}$ inch of plywood or boards, or equal over the area to be protected.

The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

14. All landscaping shown on the site plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

15. Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.

16. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.

17. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).

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18. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.

19. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEMA with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications

20. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

The foregoing Resolution was made and moved by Kevin Garvey and seconded by William Young and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, nay; Jeffrey Golda, absent and Kevin Garvey, aye.

Mr. Dell noted that his vote reflects his opinion that the applicant has not presented clear evidence that gasoline cars will be substituted for electric cars and that the resulting noise will be a burden to the community.

The Clerk to the Board is hereby authorized, directed and empowered to sign this **DECISION** and file a certified copy in the Office of the Town Clerk and the Office of the Planning Board.

Dated: October 27, 2010

Town of Orangetown Planning Board

PB #10-30- Highland Mews at Sparkill Subdivision Plan – Preliminary Approval Subject to Conditions/ Neg. Dec.

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TO: John Mascia, 29 Athenai Lane, Hopewell Junction,
New York 12533

FROM: Orangetown Planning Board

RE: Highland Mews at Sparkill Subdivision Plan: The application of John Mascia, owner, (Robert J. Prier, attorney for the applicant) for Prepreliminary/Preliminary Subdivision Plan Review, for a site located in the Sparkill Overlay Zone, to be known as “**Highland Mews at Sparkill Subdivision Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 653 Main Street, Sparkill, own of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.08, Block 5, Lot 49 in the CS zoning district and Sparkill Hamlet Overlay Zone.

Heard by the Planning Board of the Town of Orangetown at meetings held **September 15 and October 27, 2010** at which time the Board made the following determinations:

September 15, 2010

John Mascia and Robert Prier appeared and testified.

The Board received the following communications:

1. Project Review Committee Reports dated July 7 and September 8, 2010.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 14 and September 15, 2010.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated July 9, 2010.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated July 3, 2010.
5. Letters from the Rockland County Department of Planning, signed by Eileen Miller, dated July 1, 2010 and Salvatore Corallo, Commissioner of Planning, dated July 2, 2010.
6. Letters from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated June 29 & 30, 2010.

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7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 11, 2010.
8. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated June 25, 2010.
9. A letter from the State of New York Department of Transportation, signed by Mary Jo Russo, Rockland County Permit Engineer, dated June 16, 2010.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated June 16, 2010.
11. A Short Environmental Assessment Form dated June 7, 2010, signed by John Mascia.
12. Plans prepared by William D. Youngblood Land Surveying, dated January 30, 2006, last revised March 25, 2010:
 - Drawing 1: Minor Subdivision
 - Drawing 2: Grading, Utility & Erosion Control Plan
 - Drawing 3: Detail Plan

The Board reviewed the plan.

Public Comments:

Nicholas Gatti, 650 Main Street, Sparkill, an abutting property owner, wanted to know if a traffic study was ever done for the project site, since there is a significant amount of traffic already in the area of the site. He noted that there would be problems with development of the site since it was close to the existing Rail to Trails. Mr. Gatti stated that Sparkill does not need additional commercial development in downtown, since there are currently vacant buildings in the area.

Lori Gatti, 650 Main Street, Sparkill, an abutting property owner, noted that there are currently vacant buildings in downtown Sparkill, however, there are always cars parked all over the streets. She requested information regarding the environmental review of the project site.

The applicant requested a **CONTINUATION**.

October 27, 2010

John Mascia and Robert Prier appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated October 20, 2010.

PB #10-30- Highland Mews at Sparkill Subdivision Plan – Preliminary Approval Subject to Conditions/ Neg. Dec.

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2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated October 27, 2010.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated October 21, 2010.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated October 13, 2010.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated October 20, 2010.
6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated October 26, 2010.
7. Plans prepared by William D. Youngblood Land Surveying, dated January 30, 2006, last revised September 21, 2010:
 - Drawing 1: Minor Subdivision
 - Drawing 2: Grading, Utility & Erosion Control Plan
 - Drawing 3: Detail Plan

The hearing was then opened to the Public. There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Kevin Garvey and second by Andy Stewart and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; Robert Dell, aye; John Foody, aye; Jeffrey Golda, absent and Kevin Garvey,

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Kevin Garvey and seconded by William Young and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; Robert Dell, aye; John Foody, aye; Jeffrey Golda, absent and Kevin Garvey, aye the Board declared itself Lead Agency.

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Pursuant to New York Code, Rules & Regulations (NYCRR) Section 617.7, the Town of Orangetown Planning Board, as lead agency, for the reasons articulated in this Board's analysis of all of the submissions by the applicant, interested agencies, departments and the public, with respect to this project including the Environmental Assessment Form, which reasons are summarized in the motion, hereby determines that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely William Youngblood, PLS, and the Town of Orangetown's engineering consultant, Henningson, Durham & Richardson (HDR), and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Department of Health, Rockland County Sewer District #1, and having reviewed a proposed Subdivision Plan by prepared by William Youngblood, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;

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Will not have an impairment of the character or quality of important aesthetic resources;
Will not have an impairment of existing community or neighborhood character;
Will not remove or destroy large quantities of vegetation or fauna;
Will not remove or destroy large quantities of wildlife species or migratory fish;
Will not have a significant adverse impact to natural resources;
Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
Will not have adverse economic or social impacts upon the Town;
Will not create a hazard to human health; and
Will not create a substantial change in the use of land, open space or recreational resources.

On motion by Kevin Garvey and seconded by Jeffrey Golda and carried as follows: Bruce Bond, aye; Andy Stewart, aye; Robert Dell, aye; John Foody, aye; William Young, aye; Jeffrey Golda, absent and Kevin Garvey, aye the Board made a Negative Declaration pursuant to SEQRA.

DECISION: In view of the foregoing and the testimony before the Board, the application was GRANTED A PRELIMINARY APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. The following note shall be placed on the **Subdivision** Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Subdivision Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

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3. The Short Environmental Assessment Form appears to be in order.
4. The subdivision is being undertaken in connection with the Sparkill Hamlet Center Overlay Zoning District and as part of the Site Plan for the same project.
5. The Applicant proposes to subdivide a 0.367 acre parcel into four lots. The site is located on the southeast side of Main Street (Washington Street) approximately 500 feet north of the intersection with Union Street. Typically, the subdivision of land in itself has no impact on drainage. It is only the development of land that affects drainage. In this case, the development will include stormwater facilities that will be located on two of the lots, but will be for the benefit of all four lots. Accordingly, the Planning Board Drainage Consultant recommends acceptance for the subdivision of this lot into four parcels subject to the condition that:

- Maintenance responsibility for the storm water management facilities shall be covered under a legally binding and enforceable maintenance agreement that is executed by responsible parties as a condition of plan approval. The maintenance responsibility and maintenance requirements for the storm water management facilities must be added to the Subdivision Plan and the Site Plan for each lot.

6. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:

A review shall be completed by the New York State Department of Transportation and any required permits obtained.

A review shall be completed by the Village of Piermont and their comments considered and satisfactorily addressed, as well as any additional concerns about the subdivision and site plan.

Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages and County with an adequate supply of water. A letter from the public water supplier, stamped and sealed by a NYS licensed professional engineer, shall be issued to the municipality for this project, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

Public sewer mains requiring extensions within a right of way or an easement shall be reviewed and approved by Rockland County Department of Health prior to construction.

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Continuation of Condition #6...

If any public water supply improvements are required, engineering plans and specification for these improvements shall be reviewed by the Rockland County Department of Health, prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

As indicated in the June 30, 2010 letter from the Rockland County Drainage Agency, this agency must review and sign the subdivision plat before it can be recorded in the County Clerk's office.

Eight of the parking spaces to be used for this development are located off of the site and across the street. A map showing their location in relation to the site must be included. To ensure safety of pedestrians, a pedestrian crossing shall be provided with a clearly marked crosswalk, if appropriate.

A signage plan must be provided that meets all Town requirements.

A review shall be completed by the Rockland County Health Department with regard to the decommissioning of the existing well on the site.

Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.

There shall be no net increase in peak stormwater runoff rates under a 24-hour, 100-year Type III design storm event.

The Rockland County Department of Planning requests the opportunity to review any variances that may be requested from the Town of Orangetown Zoning Board of Appeals in order to implement the revised Site Plan, as required by New York State General Municipal Law, Section 239-m, (a)(v).

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7. Rockland County Department of Highways reviewed the Plans and information provided and found that the proposed action should have a de minimus impact to county roads in the area.

8. Rockland County Sewer District does not object to the plan as shown. This project does not affect any sanitary sewers within the District and no future correspondence is requested for this site.

9. The Rockland County Department of Health (RCDOH), Environmental Health Program reviewed the Plans and offered the following comment:

Application is to be made to the RCDOH for review of the Stormwater Management system for compliance with the County Mosquito Code.

10. The New York State Department of Transportation reviewed the plans and holds that the project will have no significant impact on the state transportation system.

11. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:

- Rockland County Department of Planning
- Rockland County Health Department
- Rockland County Department of Highways
- Town of Orangetown Zoning Board of Appeals
- Rockland County Sewer District #1
- New York State Department of Transportation

12. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plans prior to signing the final plans.

13. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.

14. TREE PROTECTION: The following note shall be placed on the subdivision Plan. The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

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Continuation of Condition #14....

One (1) foot radius from truck per inch DBH

Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:

Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.

Light Impacts Only – Installation of $\frac{3}{4}$ inch of plywood or boards, or equal over the area to be protected.

The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

15. All landscaping shown on the plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

16. Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.

17. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.

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18. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).

19. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.

20. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications

21. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

The foregoing Resolution was made and moved by Kevin Garvey, seconded by John Foody and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, aye; Jeffrey Golda, absent and Kevin Garvey, aye.

The Clerk to the Board is hereby authorized, directed and empowered to sign this **DECISION** and file a certified copy in the Office of the Town Clerk and the Office of the Planning Board.

**Dated: October 27, 2010
Town of Orangetown Planning Board**

Attachment

**State Environmental Quality Review Regulations
NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

PB #10-30- Highland Mews at Subdivision Sparkill Plan – Preliminary Approval Subject to Conditions/ Neg. Dec.

PB #10-31- Highland Mews at Site Sparkill Plan – Preliminary Approval Subject to Conditions/ Neg. Dec.

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This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

NAME OF ACTION: Highland Mews at Sparkill Subdivision/ Site Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Subdivision/Site Plan Review –

LOCATION: The site is located at 653 Main Street, Sparkill, own of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.08, Block 5, Lot 49 in the CS zoning district and Sparkill Hamlet Overlay Zone.

REASONS SUPPORTING THIS DETERMINATION:

The Orangetown Planning Board, as Lead Agency, determined that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared. The reasons supporting this determination are as follows:

The project will not have a significant impact upon the environment and a DEIS need not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels or existing external traffic patterns. In addition, it will have no impact upon the aesthetic, agricultural or cultural resources of the neighborhood. No vegetation, fauna or wildlife species will be affected as a result of this proposed action. The proposed action is consistent with the Town of Orangetown's Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

If Conditioned Negative Declaration, the specific mitigation is provided on an attachment.

For Further Information contact:

John Giardiello, P.E., Director, Office of Building, Zoning and Planning
Administration and Enforcement
Town of Orangetown
20 Greenbush Road
Orangeburg, NY 10962
Telephone Number: 845-359-5100

For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent: - Commissioner, New York State Department of Environmental Conservation, - Region 3 Headquarters, NYSDEC, - Town Supervisor, Applicant, Involved Agencies

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TO: John Mascia, 29 Athenai Lane, Hopewell Junction,
New York 12533
FROM: Orangetown Planning Board

RE: Highland Mews at Sparkill Site Plan: The application of John Mascia, owner, (Robert J. Prier, attorney for the applicant) for Prepreliminary/Preliminary Site Plan Review, for a site located in the Sparkill Overlay Zone, to be known as “**Highland Mews at Site Sparkill Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 653 Main Street, Sparkill, own of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.08, Block 5, Lot 49 in the CS zoning district and Sparkill Hamlet Overlay Zone.

Heard by the Planning Board of the Town of Orangetown at meetings held **September 15 and October 27, 2010** at which time the Board made the following determinations:

September 15, 2010

John Mascia and Robert Prier appeared and testified.

The Board received the following communications:

1. Project Review Committee Reports dated July 7 and September 8, 2010.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 14 and September 15, 2010.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated July 9, 2010.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated July 3, 2010.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated July 2, 2010.
6. Letters from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated June 30 & July 11, 2010.

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7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 11, 2010.
8. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated June 25, 2010.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated June 16, 2010.
10. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael B. Bettmann, Chief Fire Inspector, dated June 10, 2010.
11. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated June 16, 2010.
12. A Short Environmental Assessment Form dated June 7, 2010, signed by John Mascia.
13. Plans prepared by William D. Youngblood Land Surveying, dated January 30, 2006, last revised March 25, 2010:
 - Drawing 1: Minor Subdivision
 - Drawing 2: Grading, Utility & Erosion Control Plan
 - Drawing 3: Detail Plan

The Board reviewed the plan.

Public Comments:

Nicholas Gatti, 650 Main Street, Sparkill, an abutting property owner, wanted to know if a traffic study was ever done for the project site, since there is a significant amount of traffic already in the area of the site. He noted that there would be problems with development of the site since it was close to the existing Rail to Trails. Mr. Gatti stated that Sparkill does not need additional commercial development in downtown, since there are currently vacant buildings in the area.

Lori Gatti, 650 Main Street, Sparkill, an abutting property owner, noted that there are currently vacant buildings in downtown Sparkill, however, there are always cars parked all over the streets. She requested information regarding the environmental review of the project site.

The applicant requested a **CONTINUATION**.

October 27, 2010

John Mascia and Robert Prier appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated October 20, 2010.

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2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated October 27 and July 14, 2010.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated October 21, 2010.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated October 13, 2010.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated October 20, 2010.
6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated September 26, 2010.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated September 27, 2010.
8. Plans prepared by William D. Youngblood Land Surveying, dated January 30, 2006, last revised September 21, 2010:
 - Drawing 1: Minor Subdivision
 - Drawing 2: Grading, Utility & Erosion Control Plan
 - Drawing 3: Detail Plan

The hearing was then opened to the Public. There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Kevin Garvey and second by William Young and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; Robert Dell, aye; John Foody, aye; Jeffrey Golda, absent and Kevin Garvey,

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Kevin Garvey and seconded by Andy Stewart and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; Robert Dell, aye; John Foody, aye; Jeffrey Golda, absent and Kevin Garvey, aye the Board declared itself Lead Agency.

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Pursuant to New York Code, Rules & Regulations (NYCRR) Section 617.7, the Town of Orangetown Planning Board, as lead agency, for the reasons articulated in this Board's analysis of all of the submissions by the applicant, interested agencies, departments and the public, with respect to this project including the Environmental Assessment Form, which reasons are summarized in the motion, hereby determines that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely William Youngblood, PLS, and the Town of Orangetown's engineering consultant, Henningson, Durham & Richardson (HDR), and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Department of Health, Rockland County Sewer District #1, and having reviewed a proposed Site Plan by prepared by William Youngblood, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;

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Will not have an impairment of the character or quality of important aesthetic resources;

Will not have an impairment of existing community or neighborhood character;

Will not remove or destroy large quantities of vegetation or fauna;

Will not remove or destroy large quantities of wildlife species or migratory fish;

Will not have a significant adverse impact to natural resources;

Is consistent with the Town of Orangetown's Comprehensive/Master Plan;

Will not have adverse economic or social impacts upon the Town;

Will not create a hazard to human health; and

Will not create a substantial change in the use of land, open space or recreational resources.

On motion by Kevin Garvey and seconded by Andy Stewart and carried as follows: Bruce Bond, aye; Andy Stewart, aye; Robert Dell, aye; John Foody, aye; William Young, aye; Jeffrey Golda, absent and Kevin Garvey, aye the Board made a Negative Declaration pursuant to SEQRA.

DECISION: In view of the foregoing and the testimony before the Board, the application was GRANTED A PRELIMINARY SITE PLAN APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."

2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

3. The applicant shall seek the following variances from the Town of Orangetown Zoning Board of Appeals:

- Lots #1, #2, #2 and #4 require Front Yard Variances. The required front yard setback is 0 or 25 feet and the variances requested are 2.7 feet for Lot #1 and 6.5 feet for Lots #2, #3 and #4.

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4. A minimum Total Side Yard of 15 feet is required and Lot #4 does not comply Lot #1 has 17.4 feet available on the west side of the project. Although each building has an individual lot, the project is viewed as one site, so emergency access to the rear of the buildings can be through Lot 1 via the proposed 17.4 feet on the west side of the project. This shall be reviewed by the Fire Inspector and the Fire Department. This item requires the Planning Board's review and approval provided that the public safety, health and welfare are not jeopardized.

5. The minimum off street parking space for the proposed residential units has been met in this submission. The minimum off street parking for the proposed commercial component of the building is utilizing only the "home office/studio" area of the first floor when calculating the off street parking requirement. The Zoning Code requires an applicant to use "gross floor area" of the building when calculating the minimum parking requirements. Therefore, applying the gross floor area of the first floor, the minimum required number of parking spaces would be 15 for the commercial component of this project in addition to the required 8 parking spaced for the residential component. This would bring the total number of required parking spaces for this project to 23. However, the Town of Orangetown Town Board, in its discretion, may modify the underlying zoning district's off street/ on site parking requirements as part of the mixed use proposal, which is allowed for in the "Sparkill Hamlet Center Overlay Zoning District" local law no. 4, 2008, under Section 14.5, "Special Permit Use Regulations:, D.2."Parking".

6. The architectural plan, dated January 29, 2009, indicates two "home office/ studio" spaces on the first floor level of each building. It appears the lower level commercial uses will be used by each occupant of the second floor level. The applicant shall clarify if the same is true for the storage space as well.

7. The parking layout would require cross easements for access and use.

8. The applicant shall make application and appear for review and approval at the Town of Orangetown Architectural and Community Appearance Board of Review.

9. The drainage calculations are currently under review by DEME. However, because the Perc Rate assumed, a field Perc Test shall be administered prior to receiving final approval for site plan, to ensure adequacy of designed drainage system. The applicant's engineer shall provide a copy of the field Perc Test to 10. DEME and the Building Department.

10. Sanitary calculations for the proposed site, prepared and seals by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval.

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11. Details for all proposed drainage systems shall be added top the plans. Also, any proposed stormwater detention/ retention system shall address both water quality and water quality.

12. The proposed stormwater detention system appears to have no outfall/ overflow system, this shall be corrected.

13. The proposed silt fence appears to “run through” proposed building #4, this shall be corrected.

14. The erosion control plans and details shall be modified to reflect a “Stone-filter” system around the proposed catch basin and other drainage facilities, for keeping out silt and foreign material. A detail for same shall be provided.

15. The sight distance to the sough west is too short. The minimum site distance allowed is a Non-residential/ Business – Industrial zone (Section 21-15 Orangetown Town Code) is 250 feet. This shall be corrected.

16. The front of Unit #1 shall be cut back a minimum of 18 inches on the southerly third of the building.

17. The Applicant proposes to subdivide the parcel into four lots. Each lot will contain a commercial or business unit on the first floor and a residential unit on the second floor. Access to the site will be from Washington Street via a paved driveway that will lead to a paved parking area in the rear of the units.

The Applicant proposes to provide four 8-ft deep by 8-ft diameter drywells, each with a 2-ft stone surround, to mitigate the increased runoff from the developed site. On-site storm sewers and catch basins will collect runoff from the pavement and convey it to the drywells. Drainage calculations dated September 20, 2010 have been provided.

Based on the Planning Board’s Drainage Consultant’s review of the submitted plans and calculations, they believe that the proposed development plan can be revised to achieve a zero net increase in runoff rate under a 24-hr, 100-yr Type III storm and therefore recommend acceptance for drainage subject to the following conditions:

- The proposed plan is to divide the site into four lots with the proposed stormwater facilities located on only two of the lots. Maintenance responsibility for the storm water management facilities shall be covered under a legally binding and enforceable maintenance agreement that is executed by responsible parties as a condition of plan approval. The maintenance responsibility and maintenance requirements for the storm water management facilities must be added to the Subdivision Plan and the Site Plan for each lot.

**PB #10-31- Highland Mews at Sparkill Site Plan – Preliminary Approval
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Continuation of Condition #17.....

- Show all the roof drains on the plan, including those from Units 1 and 4, to the drywells. Show the size of each roof drain. Provide a manhole, catch basin or cleanout at all changes of direction of the roof drains, and appropriate details.
- Add a note to the plans that states that “ALL roof leaders will be connected to the drywells.”
- The grading of the paved parking area does not work. The rear of the site is relatively flat at EL 51 and will not drain. A low spot at EL 50.75 will pond water to a depth of 3-in. The catch basins should be located at low points to capture runoff.
- The driveway should have a high point on a small berm or incline to prevent street runoff (EL 50.6) from flowing onto the site and into the driveway catch basin (Grate EL 50.2). The driveway entrance should be regraded. Provide a sectional detail of the driveway entrance at the curb cut (drawn to scale) to show this.
- The close proximity of the drywells to each other and the curbs will make it hard to construct the stone surrounds. The Drainage Consultant recommends that the four drywells be placed in a 20-ft by 29-ft stone surround. The additional stone may make up for an effective depth less than 8-ft. Filter fabric should be placed completely around the interface of the stone and soil. The four equalizing pipes at the bottom of the drywells should remain. Each drywell must have a manhole frame and solid cover for maintenance access. A detailed plan and sections of this drywell gallery, drawn to scale, must be added to the plans. Add the 20-ft and 29-ft dimensions to the plan on Sheet 2.
- The Applicant shall confirm if there is a storm sewer on Washington Street, and if so, shall show it on the plans including location, size and invert.

Additional conditions may be added based on response to these conditions.

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18. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:

A review shall be completed by the New York State Department of Transportation and any required permits obtained.

A review shall be completed by the Village of Piermont and their comments considered and satisfactorily addressed, as well as any additional concerns about the subdivision and site plan.

Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages and County with an adequate supply of water. A letter from the public water supplier, stamped and sealed by a NYS licensed professional engineer, shall be issued to the municipality for this project, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

Public sewer mains requiring extensions within a right of way or an easement shall be reviewed and approved by Rockland County Department of Health prior to construction.

If any public water supply improvements are required, engineering plans and specification for these improvements shall be reviewed by the Rockland County Department of Health, prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

As indicated in the June 30, 2010 letter from the Rockland County Drainage Agency, this agency must review and sign the subdivision plat before it can be recorded in the County Clerk's office.

Eight of the parking spaces to be used for this development are located off of the site and across the street. A map showing their location in relation to the site must be included. To ensure safety of pedestrians, a pedestrian crossing shall be provided with a clearly marked crosswalk, if appropriate.

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A signage plan must be provided that meets all Town requirements.

A review shall be completed by the Rockland County Health Department with regard to the decommissioning of the existing well on the site.

Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.

There shall be no net increase in peak stormwater runoff rates under a 24-hour, 100-year Type III design storm event.

The Rockland County Department of Planning requests the opportunity to review any variances that may be requested from the Town of Orangetown Zoning Board of Appeals in order to implement the revised Site Plan, as required by New York State General Municipal Law, Section 239-m, (a)(v).

19. Rockland County Department of Highways reviewed the Plans and information provided and found that the proposed action should have a de minimus impact to county roads in the area.

20. Rockland County Sewer District does not object to the plan as shown. This project does not affect any sanitary sewers within the District and no future correspondence is requested for this site.

21. The Rockland County Department of Health (RCDOH), Environmental Health Program reviewed the Plans and offered the following comment:

Application is to be made to the RCDOH for review of the Stormwater Manage

22. The Town of Orangetown Fire Prevention Bureau had the following comments:

Each unity have an NFPA 13 compliant sprinkler system connected to and monitored by Rockland 44-Control.

Any Business apply for and maintain Certificate of Compliance Fire Safety with the Bureau of Fire Prevention.

Smoke Detectors and Carbon Monoxide detectors as required by NYS code.

Fire Zone No Parking be extended to the back wall of the building to prevent vehicles from parking in between buildings, and shown on the Final approved Site Plan.

A Smoke and Fire Alarm System in each commercial space with manual pull stations in the commercial area and horn strobes for the upper units, with amber and red exterior strobes as required by the Orangetown Code.

Drawings for Fire Sprinkler and Fire Alarm to be submitted and approved by the Bureau of Fire Prevention Office prior to construction.

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23. The New York State Department of Transportation reviewed the plans and holds that the project will have no significant impact on the state transportation system.

24. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:

- Rockland County Department of Planning
- Rockland County Health Department
- Rockland County Department of Highways
- Town of Orangetown Zoning Board of Appeals
- Rockland County Sewer District #1
- New York State Department of Transportation

25. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans prior to signing the final plans.

26. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.

27. TREE PROTECTION: The following note shall be placed on the Site Plan.

The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

One (1) foot radius from trunk per inch DBH

Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:

Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.

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Continuation of Condition #27....

Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

- 28.** All landscaping shown on the plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.
- 29.** Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.
- 30.** The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
- 31.** If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).

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32. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.

33. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEMA with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications

34. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

The foregoing Resolution was made and moved by Kevin Garvey, seconded by Robert Dell and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, aye; Jeffrey Golda, absent and Kevin Garvey, aye.

The Clerk to the Board is hereby authorized, directed and empowered to sign this **DECISION** and file a certified copy in the Office of the Town Clerk and the Office of the Planning Board.

Dated: October 27, 2010

Town of Orangetown Planning Board

Attachment

**State Environmental Quality Review Regulations
NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

PB #10-30- Highland Mews at Subdivision Sparkill Plan – Preliminary Approval Subject to Conditions/ Neg. Dec.

PB #10-31- Highland Mews at Site Sparkill Plan – Preliminary Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
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This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

NAME OF ACTION: Highland Mews at Sparkill Subdivision/ Site Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Subdivision/Site Plan Review –

LOCATION: The site is located at 653 Main Street, Sparkill, own of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.08, Block 5, Lot 49 in the CS zoning district and Sparkill Hamlet Overlay Zone.

REASONS SUPPORTING THIS DETERMINATION:

The Orangetown Planning Board, as Lead Agency, determined that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared. The reasons supporting this determination are as follows:

The project will not have a significant impact upon the environment and a DEIS need not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels or existing external traffic patterns. In addition, it will have no impact upon the aesthetic, agricultural or cultural resources of the neighborhood. No vegetation, fauna or wildlife species will be affected as a result of this proposed action. The proposed action is consistent with the Town of Orangetown's Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

If Conditioned Negative Declaration, the specific mitigation is provided on an attachment.

For Further Information contact:

John Giardiello, P.E., Director, Office of Building, Zoning and Planning
Administration and Enforcement

Town of Orangetown

20 Greenbush Road

Orangeburg, NY 10962

Telephone Number: 845-359-5100

For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent: - Commissioner, New York State Department of Environmental Conservation, - Region 3 Headquarters, NYSDEC, - Town Supervisor, Applicant, Involved Agencies