

**TOWN OF ORANGETOWN PLANNING BOARD  
MEETING OF OCTOBER 6, 2008**

**MEMBERS PRESENT:**

Robert Dell, Chairperson, Bruce Bond, Vice-Chairperson,  
Kevin Garvey, Anthony Iurica, John Foody, and William Young

**MEMBERS ABSENT:** Jeffrey Golda

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

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

**Continued from September 10, 2008 Meeting:**

<b>Sunset Homes Minor Subdivision Plan</b>		<b>PB #08-17</b>
Prepreliminary/Preliminary Subdivision Plan And SEQRA Review 70.09/2/23; R-15 zoning district	<b>Preliminary Approval Subject to Conditions Neg. Dec.</b>	

<b>JLM Site Plan</b>		<b>PB #08-56</b>
Final Site Plan Review 65.15/1/1; LO/R-40 zoning district	<b>Final Site Plan Approval Subject to Conditions</b>	

<b>Luckhardt Site Plan</b>	<b>Continued Revise Plan</b>	<b>PB #08-58</b>
Prepreliminary/Preliminary/Final Site Plan and SEQRA Review; Critical Environmental Area 71.13/1/35; R-22 zoning district		

<b>The Promenade Assisted Living Facility Minor Subdivision Plan</b>	<b>Preliminary Approval Subject to Conditions Neg. Dec.</b>	<b>PB #08-54</b>
Prepreliminary/Preliminary/Final Subdivision Plan and SEQRA Review 73.05/1/53.1; PAC zoning district		

<b>The Promenade Assisted Living Facility Site Plan</b>	<b>Continued</b>	<b>PB #08-55</b>
Prepreliminary/Preliminary Site Plan and SEQRA Review 73.05/1/53.1; PAC zoning district		

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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 second by Anthony Iurica and agreed to by all in attendance. The meeting was adjourned at 10:10 p.m. The next Planning Board meeting is scheduled for **October 22, 2008**.

**DATED: October 6, 2008**  
**Town of Orangetown Planning Board**

**PB #08-17: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**Sunset Homes Subdivision Plan; Preliminary Plan Approval Subject to Conditions/Neg. Dec**

**October 6, 2008**

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TO: John Atzl; 234 South Main Street, New City, New York 10956  
FROM: Orangetown Planning Board  
RE: The application of the 45 Sunset Road Corp., owner, for Prepreliminary/Preliminary Subdivision Plan, for a proposed 2 lot subdivision to be known as "**Sunset Homes 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. The Applicant proposes to subdivide a 1.20-acre parcel on the south side of Sunset Road, west of the intersection with Ellsworth Drive into two lots. Lot #1 contains an existing dwelling and paved driveway with a double access from Sunset Road that will remain. Lot #2 will contain a proposed new dwelling and driveway with access from Sunset Road at the same location as one of the existing access points for Lot #1. The site is located at 45 Sunset Road, Blauvelt, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 70.09, Block 2, Lot 23 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **March 26, June 11, September 10 and October 6, 2008**, at which time the Board made the following determinations:

**March 26, 2008**

John Atzl appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Memorandums dated March 18, 2008.
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 March 26, 2008.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated March 20, 2008.
4. A letter from HDR, signed by Harvey Goldberg, P.E., dated February 28, 2008.
5. A letter from the Rockland County Department of Planning, signed by Eileen Miller, dated February 22, 2008.
6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated February 22, 2008.
7. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated February 26, 2008.
8. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated February 29, 2008.
9. An interdepartmental memorandum from the Office of Parks and Recreation, Town of Orangetown, signed by Richard Rose, Jr., Superintendent, dated February 20, 2008.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, dated March 5, 2008.

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11. A letter signed by Pieter Grosbeck, Chief, Blauvelt Volunteer Fire Company, Inc. dated March 15, 2008.

12. A Short Environmental Assessment Form signed by Shawn Moldoh, President, dated February 4, 2008.

13. Drainage Analysis dated February 1, 2008, prepared by Edward A. Maikish, P.E.

14. Plans prepared by Atzl, Scatassa & Zigler, dated January 23, 2008:

Drawing 1: Subdivision Plat

Drawing 2: Grading Plan

The Board reviewed the plans.

**Public Comments:**

**Dennis Hartigan**, 4 Holly Court, raised concerns regarding the impact of the proposed development on the existing drainage in the area. He noted that the area is like a "bowl". Mr. Hartigan submitted photographs of the site. He also held that trees in the area will be damaged due to the development and possibly damage his house and property.

**Barbara Ryan**, 6 Holly Court, held that granting subdivision to this property would set a precedent in the neighborhood for other property owners to subdivision their property.

**Wayne Gavioli**, 101 Middletown Road, attorney representing the Hartigan, discussed the SEQRA process and that the Board should give the proposed subdivision a Positive Declaration. He held that the plan was flawed based upon the evidence presented to the Planning Board and the Boards own experts.

A motion was made to close the Public Hearing portion of the meeting by Kevin Garvey and seconded by Anthony Iurica and carried as follows: Bruce Bond, absent; Anthony Iurica, aye; John Foody, aye; William Young, aye; Robert Dell, aye; Jeffrey Golda, absent and Kevin Garvey, aye.

The applicant requested a **CONTINUATION** of the application in order to fulfill the requests of the Board.

**June 11, 2008**

John Atzl and Shawn Moldow appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Memorandums dated June 4, 2008.

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 June 11, 2008.

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3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated June 5, 2008.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated May 30, 2008.
5. Drainage Analysis dated February 1, 2008, revised March 12, 2008, prepared by Edward A. Maikish, P.E.
6. Plans prepared by Atzl, Scatassa & Zigler, dated January 23, 2008, revised April 28, 2008:
  - Drawing 1: Subdivision Plat
  - Drawing 2: Grading Plan
7. A letter from the New York State Department of Environmental Conservation, Environmental Permits, Region 3, signed by Ellen Hart, dated April 7, 2008.

**Public Comments:**

**Barbara Ryan**, 6 Holly Court, raised concerns regarding flooding of her property due to the development of the site, she questioned the Board regarding where the water will go, to Holly Court or Sunset Road.

**Michael O'Dwyer**, 65 Sunset Road, objected to the development and stated that he is convinced that the development will create additional flooding. The area is at a saturation point.

**Ann O'Dwyer**, 65 Sunset Road, stated that the site is flooded at this time.

**John Waffenschmit**, an abutting property owner, stated that no one at the presentation addressed the Hydraulic Gradient of the site.

**Valentine Jovollanos**, 66 Sunset Road, raised concerns regarding the construction of a road adjacent to his property and the related safety issues.

**Henry Hovarka**, 75 Burrows Lane, submitted a letter to the Board. Mr. Hovorka wanted to know what the applicant was going to do with the existing water on the site. The site is currently wet.

The applicant requested a **CONTINUATION** of the application in order to fulfill the requests of the Board.

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**Sunset Homes Subdivision Plan; Preliminary Plan Approval Subject to Conditions/Neg. Dec**

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**PB #08-17: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**September 10, 2008**

John Atzl and Shawn Moldow appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Memorandums dated September 3, 2008.
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 September 10, 2008.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated September 4, 2008.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated August 20, 2008.
5. A letter from the Blauvelt Volunteer Fire Company, Inc., signed by Pieter Grosbeck, Chief, dated July 29, 2008.
6. A letter from the New York State Office of Parks, Recreation and Historic Preservation, signed by Ruth Pierpont, Director, dated June 7, 2008.
7. Memo to the Planning Board prepared by Atzl, Scatassa & Zigler, P.C., dated June 5, 2008.
8. Plans prepared by Atzl, Scatassa & Zigler:
  - Drawing 1: Subdivision Plat; dated January 23, 2008, revised July 1, 2008
  - Drawing 2: Grading Plan; dated January 23, 2008, revised July 1, 2008
  - Drawing 3: Drainage Profiles, dated July 1, 2008

**Public Comments:**

**Barbara Ryan**, 6 Holly Court, submitted photographs to the Board, taken on August 15, 2008, noting 15 minute rain. She raised concerns regarding flooding of her property.

**Dennis Hartigan**, 4 Holly Court, objected to the proposed subdivision of the property and raised concerns regarding drainage impact. He noted the storm catch basin proposal will not work, the report on file regarding the test holes was not in tonight's letters. The test pits were dug in the summer, however if they were dug in the Spring, they would always be full. Mr. Hartigan is against Flag Lots. He also stated that no other neighbors are in favor of this proposal and the temporary holding system will fill in 15 to 20 minutes.

**Michael O'Dywer**, 65 Sunset Road, held that the proposed development will change the nature of the neighborhood and raised concerns regarding drainage. He questioned if zoning variances are required for the site.

**Loraine Hartigan**, 4 Holly Court, questioned why the U.S. Army Corps of Engineers did not need to be involved in the review of the site.

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The applicant requested a **CONTINUATION** of the application in order to fulfill the requests of the Board.

**October 6, 2008**

Frank Phillips, Esq., John Atzl and Shawn Moldow appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Memorandums dated October 1, 2008.
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 6, 2008.
3. A letter from the New York State Office of Parks, Recreation and Historic Preservation, signed by Ruth Pierpont, Director, dated September 23, 2008.

**Public Comments:**

Dennis Hartigan, 4 Holly Court, raised objection to the flag lot development and the impact of the proposed subdivision on the existing drainage to the neighborhood. Mr. Hartigan raised concerns regarding the test holes performed on the site.

Barbara Ryan, 6 Holly Court, raised concerns regarding the validity of the test holes dug on the property and flooding on Holly Court.

Michael O'Dwyer, 65 Sunset Road, stated that the property is currently wet and development of the site will increase the area wetness.

John Waffenschmit, an abutting property owner, stated that he researched Hydraulic Gradient and that it was a factor in the development of the site. He raised concerns regarding ponding on his property and further development in the area.

A motion was made to close the Public Hearing portion of the meeting by Anthony Iurica seconded by Bruce Bond and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; Jeffrey Golda, absent; John Foody, aye; Robert Dell, aye; William Young, aye; and Kevin Garvey, aye.

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 Bruce Bond and seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; Jeffrey Golda, absent; John Foody, nay; Robert Dell, nay; William Young, aye; and Kevin Garvey, aye the Board declared itself Lead Agency.

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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:

It will not have a significant impact upon the environment and a DEIS will not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels, drainage or existing traffic patterns.

In addition, it will have no impact upon the aesthetics, agricultural or cultural resources of the neighborhood and no vegetation, fauna or wildlife species will be affected as a result of the proposed action. The proposed action is consistent with the Town's Master Plan and will not have any adverse economic or social impacts upon the Town of Orangetown.

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

**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 Subdivision Plan shall note a 110 foot Conservation Easement in the rear of the lot. The applicant shall provide the legal documents to the Planning Board, which are subject to review and approval in substance and form by the Town of Orangetown Town Attorney's Office and the Department of Environmental Management and Engineering.

4. A note shall be placed on the plan that the dwelling on Lot #2 shall have a Sprinkler system.

5. On June 26 and June 27, 2008, John Giardiello, Director OBZPAE visited the site for the purpose of witnessing deep test holes. Mr. Giardiello concurs with the results submitted in a memorandum to John Atzl, L.S. from Edward Maikish, P.E., dated June 30, 2008. As shown on the plans, the proposed house for lot #2 will not have a basement and will be built on a slab.

6. **The following Zoning Variances need to be sought from the Town of Orangetown Zoning Board of Appeals:**

**Lot #1**

**Minimum Side Yard Setback    20 feet Required            19.2 feet Existing**

**Lot #2**

**Minimum Street Frontage        75 feet Required            25.08 feet Proposed**

7. A post construction stormwater maintenance agreement, in accordance with NYSDEC Phase II regulations, for the proposed stormwater systems shall be submitted to DEME and the Town of Orangetown Town Attorney's Office for review and approval in substance and form. Said agreement shall include a maintenance and management schedule, inspection check list, contract person with telephone number, yearly report to be submitted to DEME, etc.

8. Copies of all correspondence (including any and all approvals, determinations, etc.) with the New York State Department of Environmental Conservation, U.S. Army Corps. of Engineers, the Rockland County Drainage Agency, etc., in connection with this proposed subdivision, shall be supplied to the Planning Board and DEME, prior to receiving final approval for this Subdivision.

9. The applicant's consultant has indicated that any water flowing in the proposed wale along the north side of the proposed home on lot #2 will flow into the proposed catch basin at the southwest corner of the proposed driveway. However, if a macadam berm is to be installed along both sides of the driveway, how will the runoff from the swale flow into the basin without building up and going over the berm (which is unacceptable.)

10. The Applicant proposes to provide an onsite stormwater collection system and a Stormtech Chamber detention system beneath the proposed driveway to mitigate the increase in runoff rate due to the proposed development. The Drainage Consultant to the Planning Board believes that it can achieve a zero

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**Continuation of Condition #10....**

net increase in runoff rate from the developed site under a 24-hr, 100-yr Type III storm, and therefore recommends acceptance for drainage subject to the following conditions:

- Construction details drawn to scale for each precast concrete structure (i.e. outlet control structure detail for CB-4; inlet structure detail for CB-3; typical catch basin detail for CB-0, CB-1 and CB-2; typical manhole detail for DMH-1 and DMH-2) shall be provided and shall include all dimensions, elevations and materials that will permit construction. The catch basin detail shown on the top right of Sheet 2 is too small (i.e. 24-in square), it must be increased in size to 30-in by 48-in.
- The Plan Sheet 2 shows a proposed macadam berm (curb) on both sides of the driveway to direct runoff to the catch basins at the bottom of the driveway. A similar notation should be added to the plan on Sheet 3. A typical curb detail must be added to the plans.
- The inlet to the Isolator Row shall be via a 15-in 90 degree bend in the inlet chamber CB-3, and shall enter the Stormtech Chamber at the bottom. Provide a detail that shows how the Isolator Row is to be constructed (e.g. wrapped in filter fabric). The Passive rows shall have 15-in outlet pipes from the bottom of the Stormtech Chambers to the Outlet Control Structure CB-4 (it is labeled CB-3 on Sheet 2). The Stormtech Chamber Plan Detail shall be revised accordingly and shall show the Inlet and Outlet Control Structures (CB-3 and CB-4) and their pipe connections to the Stormtech chambers.

**11.** Flag lots pose a particular problem for fire service due to their design limiting access. For this reason, the Blauvelt Volunteer Fire Company recommends that the driveway be constructed to allow access for fire apparatus in all weather, in accordance with New York State Fire Code – Section F503. This shall include features of both width and weight. The driveway should support the weight of the fire company's heavy apparatus, some exceeding 45,000 pounds. The design should also include any drainage pipes installed under the driveway. Secondly, the entrance to the driveway should not be impeded by planting or columns, which will affect the turning radius of fire apparatus entering the driveway.

**12.** The New York State Office of Parks, Recreation and Historic Preservation requests additional information to be submitted in order to complete the evaluation of the site:

Boundaries of the project area shall be clearly delineated on a United States Geological Survey Quadrangle, or New York State Department of Transportation 7.5 –minute (scale 1=24,000) map. Original scale should be used if photocopying and label providing map title should be included. There are several “on-line” resources for these maps.

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**13.** The New York State Department of Environmental Conservation reviewed the plans and provided the following information:

- No project specific permit jurisdiction for this action, however the applicant shall be aware that projects involving the disturbance of 1 or more acres of land now require coverage under the Departments "State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities.
- Also, The site is not within a NY State protected Freshwater Wetland (National Wetlands Inventory), However, there is a federal wetland within or near your site. Contact the US. Army Corps of Engineers, for any permitting they might require.
- The statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation and Historic Preservation has been reviewed. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources. Therefore, review of the project shall require review of the project the NYS Office of Parks, Recreation and Historic Preservation.

**14.** Based upon the plans and information provided, the Rockland County Department of Highway found that the action will have no foreseeable adverse impact upon the county roads in the area.

**15.** Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is not required based upon its review of the information provided. However, the site appears to be located in close proximity to mapped federal wetlands. The RCDA suggests that the U.S. Army Corps of Engineers be contacted by the lead agency and requested to make a jurisdictional determination regarding the proposed activity.

**16.** The Rockland County Stream Control Act, Chapter 846, requires that all subdivision maps must be signed by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.

**17.** The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.

**18.** Prior to signing the Subdivision Map, the applicant shall provide Money in Lieu of Recreational Land, in accordance with Section 21-20 of the Land Development Regulations of the Town of Orangetown; \$9,000.00 for every new residential lot created. The applicant shall also provide money to be placed into the Stream Maintenance Fund, at the amount of \$80.00 for every new residential lot created.

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

- Town of Orangetown Zoning Board of Appeals
- Rockland County Sewer District #1
- Rockland County Drainage Agency
- Rockland County Department of Highways

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

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

**22. 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:

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: (1) 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. (2) 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.

**23.** All landscaping shown on the subdivision 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.

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- 24.** 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.
- 25.** The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
- 26.** 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).
- 27.** Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
- 28.** 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
- 29.** The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

The foregoing Resolution was made and moved by Bruce Bond and seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; William Young, aye; John Foody, nay; Robert Dell, nay, 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 6, 2008**

Planning Board    OBZPAE    RC Planning    RC Drainage    RC Highway

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

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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: **Sunset Homes Subdivision Plan**

SEQR STATUS: Type I \_\_\_\_\_ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX

DESCRIPTION OF ACTION: **Subdivision Plan Review**

LOCATION: The site is located at 45 Sunset Road, Blauvelt, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 70.09, Block 2, Lot 23 in the R-15 zoning district.

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

**PB #08-56: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**JLM Holding Corp. Site Plan; Final Site Plan Approval Subject to Conditions**

**October 6, 2008**

**Page 1 of 4**

TO: Vincent Acocella, R.A., P.O. Box 181, Pearl River, New York 10965  
FROM: Orangetown Planning Board  
RE: The application of JLM Holding Corp, owner for Final Site Plan Review at a site known as "**JLM Holding Corp. 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 the southeast corner of the intersection of Franklin Avenue and South William Street, Pearl River. The applicant proposes to construct a 754 square foot addition to an existing building along the easterly property line. The site is located at 40 Franklin Avenue, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 68.20, Block 2, Lot 82 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Monday, October 6, 2008**, at which time the Board made the following determinations:

Vincent Acocella appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Report dated October 1, 2008.
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 6, 2008.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 1, 2008.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated September 12, 2008.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated September 17, 2008.
6. A letter from Rockland County Highway Department, signed by Joseph Arena, Senior Engineering Technician, dated September 29, 2008.
7. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated August 26, 2008.
8. Site Plan prepared by Dennis Letson, P.E., dated June 21, 2004, last revised December 1, 2005.
9. Architectural Plans prepared by Vincent Acocella, R.A., dated July 27, 2006:
  - A-1: Floor Plans
  - A-2: Elevations

The Board reviewed the plan.

**PB #08-56: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**JLM Holding Corp. Site Plan; Final Site Plan Approval Subject to Conditions**

**October 6, 2008**

**Page 2 of 4**

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 Bruce Bond and seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; Kevin Garvey, aye; John Foody, aye; Jeffrey Golda, absent; Robert Dell, aye and William Young, aye.

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

1. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: PB #04-118, Preliminary Site Plan Approval Subject to Conditions, dated January 11, 2006 and ACABOR #06-55, Approved Subject to Conditions, dated September 5, 2006.
2. The Site shall be "Highlighted" on the Vicinity Map.
3. All site plans shall be signed and sealed by a Professional Engineer and a Licensed Land Surveyor.
4. A maintenance plan shall be developed and supplied for the proposed drywell, including a yearly inspection report, submitted for review and approval to DEME.
5. The datum for the contours shall be given on the Site Plan. Also, a note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.
6. The Drainage Consultant to the Planning Board recommends acceptance of the drainage without conditions.
7. If the area of disturbance will be greater than 1000 square feet, prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the New York State Guidelines for Urban Erosion and Sediment Control.
8. There shall be no net increase in stormwater run off from the site.
9. The Rockland County Department of Planning requests the opportunity to review any variances that may be requested to implement the revised site plan.
10. Based upon the plans and information provided, the Rockland County Department of Highway found that the action will have no foreseeable adverse impact upon the county roads in the area.
11. The Rockland County Department of Health (RCDOH) requests that application be made for review of the stormwater management system for compliance with the County Mosquito Code. The applicant shall contact Brian Hunderfund at RDCOH.



**PB #08-56: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**JLM Holding Corp. Site Plan; Final Site Plan Approval Subject to Conditions  
October 6, 2008  
Page 3 of 4**

**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:

(1) 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.

(2) 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 subdivision 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.

**PB #08-56: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**JLM Holding Corp. Site Plan; Final Site Plan Approval Subject to Conditions  
October 6, 2008  
Page 4 of 4**

**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.

**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 Bruce Bond and seconded by William Young and carried as follows: Bruce Bond, aye; Anthony Iurica, 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 6, 2008**

Planning Board      OBZPAE      RC Planning RC Drainage RC Highway

**PB #08-54: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**The Promenade Assisted Living Facility Minor Subdivision Plan; Preliminary Approval Subject to Conditions/ Neg. Dec.**

**October 6, 2008**

**Page 1 of 8**

TO: Donald Brenner, P.E., LL. B., 4 Independence Avenue, Tappan, New York 10983

FROM: Orangetown Planning Board

RE: The application of Blue Hill Development LLC, owner, for Prepreliminary/Preliminary Subdivision Review for a proposed 2 lot Subdivision, to be known as **“The Promenade Assisted Living Facility Minor 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 Plan. The site is located at 582 Veterans Memorial Drive, Pearl River, New York; north side of Veterans Memorial Drive, 0 feet from the intersection of Gilbert Avenue, Pearl River, New York. Tax Map: 73.05/1/53.1; OP zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **September 24 and October 6, 2008**, at which time the Board made the following determinations:

**September 24, 2008**

Donald Brenner and Thomas Vanderbeek appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Memo dated September 17, 2008.
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 September 24, 2008.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated September 17, 2008.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated September 2, 2008.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated September 8, 2008.
6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated September 16, 2008.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated August 4, 2008.
8. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated September 8, 2008.

**PB #08-54: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**The Promenade Assisted Living Facility Minor Subdivision Plan; Preliminary Approval Subject to Conditions/ Neg. Dec.**

**October 6, 2008**

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9. Letters from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated August 20 & September 11, 2008.
10. Short Environmental Assessment Form dated July 18, 2008.
11. Plans prepared by Greater Hudson Valley Engineering, dated July 10, 2008:
  - Sheet 1: Cover Sheet
  - Sheet 2: Existing Conditions Plan
  - Sheet 3: Subdivision Plot Plan
  - Sheet 4: Planimetric Site Plan
  - Sheet 5: Grading & Utility Plan
  - Sheet 6: Landscaping & Lighting Plan
  - Sheet 7: Erosion Control Plan

The Board reviewed the Subdivision 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 Anthony Iurica and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; Kevin Garvey, aye; John Foody, aye; Jeffrey Golda, aye; Robert Dell, aye and William Young, absent.

A motion was made to re-open the Public Hearing portion of the meeting by Kevin Garvey and seconded by Bruce Bond and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; Kevin Garvey, aye; John Foody, aye; Jeffrey Golda, aye; Robert Dell, aye and William Young, absent.

The applicant requested a **CONTINUATION** of the application in order to fulfill the requests of the Board.

**October 6, 2008**

Donald Brenner and Thomas Vanderbeek appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Report dated October 1, 2008.
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 6, 2008.
3. A copy of the drainage approval letter dated October 12, 1999, from William Youngblood Associates, signed by William Youngblood, P.E..

**PB #08-54: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**The Promenade Assisted Living Facility Minor Subdivision Plan; Preliminary Approval Subject to Conditions/ Neg. Dec.**

**October 6, 2008**

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The Board reviewed the Subdivision 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 Bruce Bond and carried as follows:

Bruce Bond, aye; Anthony Iurica, aye; Kevin Garvey, aye; John Foody, aye; Jeffrey Golda, absent; Robert Dell, aye and William Young, aye.

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 Bruce Bond and seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; William Young, aye; Robert Dell, aye; John Foody, aye; Jeffrey Golda, absent and Kevin Garvey, aye; the Board declared itself Lead Agency.

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:

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

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

**PB #08-54: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**The Promenade Assisted Living Facility Minor Subdivision Plan; Preliminary Approval Subject to Conditions/ Neg. Dec.**

**October 6, 2008**

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**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.

3. The Town of Orangetown Zoning Board of Appeals granted a Use Variance for the property as ZBA #98-58 and modified as ZBA #99-20 for a single 13 acre parcel of property which now the applicant is proposing to subdivide into two (2) lots. The intention of the Zoning Board of Appeals in granting the Use Variance was for Assisted Living Suites. The applicant is now requesting a modification of the project to include kitchens in each of the units proposed for Lot #2. The following comments apply for the Subdivision:

The Use Variance shall be reestablished at the Zoning Board of Appeals for the proposed modifications to the project.

All yard setbacks, both existing and proposed need to be shown on each parcel. The building envelope shall be placed on the subdivision plat plan.

**The Rockland County Department of Planning requests the opportunity to review any variances that may be requested to implement the revised subdivision plan.**

4. The Board determined that the applicant requires "Reaffirmation" of the original drainage review, approved by William Youngblood Associates on October 12, 1999, for the Town of Orangetown. DEME shall be requested to reaffirm the position of the Town of Orangetown regarding the drainage approval for this project.

5. A review shall be completed by the Rockland County Department of Highways and all required permits obtained.

**PB #08-54: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**The Promenade Assisted Living Facility Minor Subdivision Plan; Preliminary Approval Subject to Conditions/ Neg. Dec.**

**October 6, 2008**

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**6.** 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.

**7.** 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.

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

**9.** The Rockland County Stream Control Act requires that the Chairman of the Rockland County Drainage Agency review and sign all subdivision plats prior to their acceptance by the County Clerk for filing.

**10.** The Rockland County Department of Planning requests the opportunity to review any variances that may be requested to implement the revised subdivision plan.

**11.** The Rockland County Department of Highways agrees with the conceptual plan as shown. All future plans shall clearly identify the designated street line and right-of-way along Veteran Memorial Drive.

**12.** Based upon the Rockland County Drainage Agency's (RCDA) evaluation of available mapping and the information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to Chapter 846, Rockland County Stream Control Act, is not requested based upon its review of the information provided.

**13.** Rockland County Stream Control Act, Chapter 846, requires that all subdivision maps must be signed by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.

**PB #08-54: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**The Promenade Assisted Living Facility Minor Subdivision Plan; Preliminary Approval Subject to Conditions/ Neg. Dec.**

**October 6, 2008**

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**14.** The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.

**15.** 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 Department of Highway
- Rockland County Drainage Agency
- Rockland County Department of Health
- Rockland County Sewer District #1

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

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

**18. 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.

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.



**PB #08-54: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**The Promenade Assisted Living Facility Minor Subdivision Plan; Preliminary Approval Subject to Conditions/ Neg. Dec.**

**October 6, 2008**

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**19.** All landscaping shown on the subdivision 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.

**20.** 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.

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

**22.** 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).

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

**24.** 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

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

The foregoing Resolution was made and moved by Bruce Bond and seconded by Anthony Iurica and carried as follows: Bruce Bond, aye; Anthony Iurica, 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 6, 2008**

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

**The Promenade Assisted Living Facility Minor Subdivision Plan; Preliminary Approval Subject to Conditions/ Neg. Dec.  
October 6, 2008  
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The site is located at 582 Veterans Memorial Drive, Pearl River, New York; north side of Veterans Memorial Drive, 0 feet from the intersection of Gilbert Avenue, Pearl River, New York. Tax Map: 73.05/1/53.1; OP zoning district.

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: The Promenade Assisted Living Facility Minor Subdivision Plan**

SEQR STATUS: Type I \_\_\_\_\_ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX

**DESCRIPTION OF ACTION: Minor Subdivision Plan Review**

**LOCATION:** The site is located at 582 Veterans Memorial Drive, Pearl River, New York; north side of Veterans Memorial Drive, 0 feet from the intersection of Gilbert Avenue, Pearl River, New York. Tax Map: 73.05/1/53.1; OP zoning district.

**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