

**TOWN OF ORANGETOWN
PLANNING BOARD MEETING
OCTOBER 24 2007**

MEMBERS PRESENT:

Bruce Bond, Chairperson
Kevin Garvey, Vice-Chairperson
Anthony Iurica
William Young
Jeffrey Golda
John Foody

MEMBERS ABSENT:

Robert Dell

ALSO PRESENT:

John Giardiello, Director, Office of Building, Zoning and Planning Administration and Enforcement
Robert Magrino, Deputy Town Attorney
Ann Marie Ambrose, Stenographer
Cheryl Coopersmith, Chief Clerk

Bruce Bond, Chairperson, called the meeting to order at 7:30 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:

Scheu Minor Subdivision Plan Request for a 2nd 90 Day Extension to File The Subdivision Plat with the Rockland County Clerk's Office 68.12/2/39; RG zone	Granted	PB #07-59
Gibbons Subdivision Plan Recommendation to the Town Board to Release the Performance Bond 70.13/2/97.2; R-15 zone	Recommended to the Town Board	PB #07-60
Adelstein Site Plan Prepreliminary/Preliminary Site Plan and SEQRA Review Critical Environmental Area 71.13/1/39; R-22 zone	Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.	PB #07-61
Vicente Site Plan Prepreliminary/Preliminary Site Plan and SEQRA Review/ Critical Environmental Area 71.17/1/22; R-22 zone	Continued to 11/14/07	PB #07-62

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October 24, 2007
Planning Board Meeting

Sickletown Woods Subdivision Plan Road Dedication/Water Detention Pond Plan Review 69.08/1/1; R-40 zone	Postponed	PB #07-63
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Kolb Subaru Parking Facility Site Plan Final Site Plan Review 74.11/1/12; CC zone	Final Site Plan Approval Subject to Conditions	PB #07-64
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Continued from the September 26, 2007 Meeting: Student Bus Company Site Plan Prepreliminary/Preliminary/Final Site Plan and SEQRA Review 74.07/1/15; LI zone	Postponed	PB #07-55
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The decisions of the October 10, 2007 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: Bruce Bond, aye; Anthony Iurica, aye; Jeffrey Golda, aye, Robert Dell, absent; Kevin Garvey, aye, John Foody, 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, seconded by Anthony Iurica and agreed to by all in attendance. The meeting was adjourned at 9:00 P.M. The next Planning Board meeting is scheduled for November 14, 2007.

DATED: October 24, 2007 Planning Board Town of Orangetown

By: _____ Cheryl Coopersmith, Chief Clerk
TOWN OF ORANGETOWN PLANNING BOARD

**TOWN OF ORANGETOWN
PLANNING BOARD DECISION**

**Scheu Minor Subdivision
Request for a 2nd 90-Day Extension
To File the Subdivision Plan
With the Rockland County Clerk's Office,**

**PB #07- 59
October 24, 2007
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TO: John Atzl
Atzl, Scatassa & Zigler
234 North Main Street
New City, NY 10956

FROM: Orangetown Planning Board

RE: The application of the Estate of Emma Zabriskie and Betty Scheu, owners, for a 2nd 90 day Extension to File the "**Scheu Minor Subdivision**" with the Rockland County Clerk's Office, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown and Chapter 21 of the Code of the Town of Orangetown. The site is located at 249 North Main Street, Pearl River, Town of Orangetown, Rockland County, New York and shown on the Orangetown Tax Map as Section 68.12 Block 2, Lot 39 in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held Wednesday, October 24, 2007, at which time the Board made the following determination:

John Atzl appeared and testified for the applicant.

The Board received the following communications:

1. PRC Report dated October 17, 2007
2. An interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated October 24, 2007.
3. An interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated October 17, 2007.
4. PB #07-08, Final Subdivision Approval Subject to Conditions, dated January 24, 2007,
5. A letter from Atzl, Scatassa & Zigler, signed by John Atzl, PLS, dated October 4, 2007.

The Board discussed the 90 Day Extension to file 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 seconded by Anthony Iurica and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Anthony Iurica, aye; John Foody, aye; Jeffrey Golda, aye; William Young, aye and Robert Dell, absent.

DECISION: In view of the foregoing, the Board GRANTED a 2nd 90 Day Extension in time to file the Scheu Minor Subdivision with the Rockland County Clerk's Office.

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

The Clerk of 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 this Office of the Planning Board.

Cheryl Coopersmith, Chief Clerk

Dated: October 24, 2007 Planning Board BY: _____

**TOWN OF ORANGETOWN
PLANNING BOARD
RECOMMENDATION TO THE TOWN BOARD**

**Gibbons Subdivision Plan
Recommendation
To the Town Board to Release
The Performance Bond**

**PB #07-60
October 24, 2007**

TO: Dorothy Gibbons
270 Blauvelt Road
Blauvelt, New York 10913

FROM: Orangetown Planning Board

The application of Dorothy Gibbons, owner, for a Recommendation to the Town Board to Release the Performance Bond for the **Gibbons Subdivision Plan**, in the Amount of \$21,498.00, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown and Chapter 21 of the Code of the Town of Orangetown. The site is located Blauvelt Road, Blauvelt, Town of Orangetown, Rockland County, New York and shown on the Orangetown Tax Map as Section 70.13 Block 2, Lot 97.2 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held Wednesday, October 24, 2007, at which time the Board made the following determination:

The Board received the following communications:

1. PRC Report dated October 17, 2007.
2. An interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated October 24, 2007.
3. An interdepartmental memorandum signed by Ronald Delo, P.E. DEE, Director, Town of Orangetown, Department of Environmental Management and Engineering (DEME), dated September 27, 2007 and James Dean, Superintendent of Highways, Town of Orangetown, dated October 1, 2007.
4. PB # 05-24, Recommendation to the Town Board to Establish the Value and Term of the Performance Bond, dated February 9, 2005.

The Board discussed the Release of the Performance Bond.

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 Anthony Iurica, seconded by William Young and carried as follows:

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

RECOMMENDATION: In view of the foregoing, the Board RECOMMENDED TO THE TOWN BOARD TO RELEASE THE GIBBONS SUBDIVISION PLAN PERFORMANCE BOND.

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

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

Dated: October 24, 2007, Planning Board

Cheryl Coopersmith, Chief Clerk: _____

Performance Bond. Doc. Page 4

Planning Board	OBZPAE	RC Planning	RC Drainage	RC Highway
Env.Mgt.Eng. LMS	Town Board	Assessor	Town Attorney	
Supervisor	PRC			

**TOWN OF ORANGETOWN
PLANNING BOARD DECISION**

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

**PB #07-61
October 24, 2007
Page 1 of 9**

TO: Steven Gamelsky, P.E.
100 Airport Executive Park, Suite 105
Nanuet, NY 10954

FROM: Orangetown Planning Board

RE: The application of Ann and Terry Adelstein, owners for Prepreliminary/Preliminary Site Plan Review to construct a new swimming pool, stone patio, cabana and associated retaining walls on a site that contains an existing one family dwelling. The Site is to be known as "**Adelstein Site Plan**", located in the critical environmental area, 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 on the east side of Tweed Boulevard in Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 71.13, Block 1, Lot 39 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held October 24, 2007, at which time the Board made the following determinations:

Steven Gamelsky and Terry Adelstein appeared and testified.

The Board received the following communications:

1. A Project Review Report dated October 17, 2007.
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 24, 2007.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated October 17, 2007.
4. A letter from HDR/LMS, signed by Harvey Goldberg, P.E., dated September 26, 2007.
5. Letters from the Rockland County Department of Planning, signed by Eileen Miller and Salvatore Corallo, Commissioner of Planning, dated October 9, 2007.
6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated October 1, 2007.
7. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated September 14, 2007.

8. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated September 24, 2007.
9. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated September 11, 2007.
10. A letter from the Town of Orangetown, Zoning Board of Appeals, signed by William Mowerson, Chairperson, dated September 12, 2007.
11. A letter from New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated October 9, 2007.
12. Short Environmental Assessment Form dated September 25, 2006, signed by Steven Gamelsky, P.E.
13. A Stormwater Management Plan prepared by The GEA Group, dated August 2007.
14. A Site Plan Narrative, undated.
15. Plans prepared by The GEA Group, signed August 7, 2007 by Steven Gamelsky, P.E., dated August 3, 2007:
 - Drawing 1 of 5: Site Plan
 - Drawing 2 of 5: Drainage and Soil Erosion Control Plan
 - Drawing 3 of 5: Stormwater Soil Erosion Control Plan
 - Drawing 4 of 5: Civil Details
 - Drawing 5 of 5: Sections
16. Submitted at the meeting by the applicant, a letter from the abutting property owners, Deirdre A Quinn and Devin E. Bauer, dated October 24, 2007.

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 seconded by John Foody and carried as follows: Bruce Bond, aye, Anthony Iurica, aye, John Foody, aye, William Young, aye, Robert Dell, absent, Jeffrey Golda, 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 Kevin Garvey, seconded by Jeffrey Golda and carried as follows: Bruce Bond, aye, Anthony Iurica, aye, William Young, aye, Robert Dell, absent, John Foody, aye, Jeffrey Golda, aye 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 Kevin Garvey seconded by John Foody and carried as follows: Bruce Bond, aye, Anthony Iurica, aye, Robert Dell, absent, John Foody, aye, William Young, aye, Jeffrey Golda, aye 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 SITE PLAN APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. The Site Plan shall be signed and sealed by both a Professional Land Surveyor and a Professional Engineer.
2. 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."
3. 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.

4. The construction of the retaining wall and installation of the pool will require certification by a New York State Licensed Professional Engineer as being installed in accordance with the construction documents.
5. The Short Environmental Assessment Form appears to be in order.
6. A variance must be sought from the Town of Orangetown Zoning Board of Appeals for the height of the wall.
7. The Site Plan must contain a small Title Block on the right hand corner of the plan.
8. The drainage calculations are currently under review by DEME.
9. A note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.
10. The Soil Erosion and Sediment Control Plans and Details are under review by DEME.
11. The Drainage Consultant to the Planning Board reviewed the site and found that the applicant proposes to construct a new swimming pool, stone patio, cabana and associated retaining wall on the site that contains an existing one family dwelling. The impervious area of the site will be increased by 2,028 square feet. A Cultec detention storage system is proposed along with an on-site storm water collection system. Drainage calculations have been provided. Upon review of the plans and calculations, the Drainage Consultant found a number of significant deficiencies that must be corrected on both the plans and calculations. However, believe that the proposed plan can be modified to achieve a zero net increase in runoff rate from the developed site. Therefore, the Drainage Consultant recommends acceptance for drainage subject to the following conditions:

The calculations are based on an infiltration rate of 10 minutes per inch. However the storage chambers will be in fill material at a location where the finished grade will be approximately 10-feet above existing grade, and where percolation tests indicate a rate of 44 minutes per inch. The calculations must be revised and the storage facilities relocated and resized as needed.

The calculations must be revised to correctly determine the required storage volume of the storage facilities. A minimum of 80% of the required capacity must be storage volume (pit volume plus stone void volume) and the remainder allocated to infiltration. The capacity of the proposed Cultec units must be increased as indicated or an alternate drywell system of similar capacity must be provided.

The details of the proposed Cultec system of equivalent drywell system must be revised to agree with the calculations.

The plans calls for a 21-foot high Redi-Rock Block retaining wall on the east side of the site with geogrid reinforcement that projects 16-5 feet beyond the face of the wall. An on-site storm sewer is shown running parallel to the wall below a drainage swale that is adjacent to the wall. This storm sewer system must be relocated so that it is entirely outside the influence of the geogrid system where it can be repaired or replaced without affecting the structural integrity of the wall.

Calculations for sizing the on-site sewer system must be provided. All pipes must be a minimum of 12-inches. The pipe that exits from the Cultec unit may remain 8-inches; however, this pipe must have the capacity to pass the total 100-year flow rate into the storage system as documented by calculations. An access chamber, catch basin or manhole must be provided at each bend or junction on the system.

Each branch of the storm sewer system must include a catch basin with a 24-inch deep sump and a catch basin trap immediately before it discharges to the storage system.

A construction detail including a plan, section, dimensions, elevations, etc. for each type of drainage, structure indicated on the plan (catch basin, lawn inlet, manhole, etc.) must be provided. Each drainage structure must be numbered and labeled on the plan with structure number, top of grate elevation and all invert elevations.

Provide calculations for sizing each swale and a construction detail of the swale.

Provide a construction detail of the proposed level spreader.

The plan shows a small swale on the southwest corner of the site without a discharge point. This swale will collect and concentrate runoff and discharge it off site to the property to the east, which is unacceptable. This concentrated flow must be mitigated.

Provide a profile of the entire proposed storm sewer system, including inlets, the storage facility, and penetration through the wall to the level spreader. Indicate the 100-year water level elevation on the profile at each drainage structure.

12. 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 this Site Plan.

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

14. Soil Erosion and Sediment Soil Erosion and Sediment Control Plans and details shall be submitted to the Town of Orangetown Department of Environmental Management and Engineering for review and approval. The Soil Erosion and Sediment Control Plan shall meet the NYS Guidelines for Urban Erosion and Sediment Control.

15. There shall be no net increase in storm water runoff from the site.

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

17. The Rockland County Department of Highways (Highway) reviewed the Site Plan and information and found the proposed design acceptable as submitted to the department. A Rockland County Highway Department Work Permit will be required for the installation of an in ground pool at this location, in addition to any and all permits required by the local municipal and various involved governmental agencies.

18. 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.

19. 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.

20. The Rockland County Department of Health requires the following two items on the Site Plan:

A note shall be added stating that the existing disposal field is to be protected with snow fence or safety fence during the course of construction; and

The wastewater line from the proposed cabana is to be tied into the existing line before the first septic tank, not into the side of the tank, as shown.

21. The New York State Department of Transportation (NYSDOT) reviewed the Site Plans and had the following comments: As any change in the drainage will have an impact on the drainage of Route 9W, a drainage study shall be submitted to NYSDOT for review.

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

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

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

25. 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.

26. 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.
27. 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.
28. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
29. 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).
30. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
31. 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
32. 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 Jeffrey Golda and carried as follows: Bruce Bond, aye; Anthony Iurica, nay; William Young, aye; John Foody, aye; Robert Dell, absent; Jeffrey Golda, aye 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 24, 2007 (oct 24,07)

Planning Board Cheryl Coopersmith, Chief Clerk: _____ decd.
Planning Board OBZPAE RC Planning RC Drainage RC Highway
Env. Mgt. Eng. LMS Town Board Assessor Town Attorney
PRC Supervisor

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

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

**PB #07-61
October 24, 2007
Page 9 of 9**

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: Adelstein Site Plan

SEQR STATUS: Type I _____
Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____
No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review: Critical Environmental Area

LOCATION: The site is located on the east side of Tweed Boulevard in Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 71.13, Block 1, Lot 39 in the R-22 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

**TOWN OF ORANGETOWN
PLANNING BOARD DECISION**

**Kolb Subaru Site Plan
Final Site Plan –Parking Facility
Subject to Conditions**

**PB #07-64
October 24, 2007
Page 1 of 5**

TO: Donald Brenner
4 Independence Ave.
Tappan, NY 10913

FROM:Orangetown Planning Board

RE: The application of Bill Kolb, Jr., owner for Final Site Plan Review for a Parking Facility, at a site to be known as “**Kolb Subaru Parking Facility 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 Greenbush Road, Orangeburg, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.11, Block 1 Lot 12 in the CC zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held Wednesday, October 24, 2007 at which time the Board made the following determinations:

Donald Brenner appeared and testified.

The Board received the following communications:

1. A Project Review Report dated October 17, 2007.
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 24, 2007.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated October 18, 2007.
4. A letter from HDR/LMS, signed by Harvey Goldberg, P.E., dated October 17, 2007.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated October 19, 2007.
6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated October 10, 2007.
7. Plans prepared by Leonard Jackson Associates, dated October 16, 2006:
 - Drawing #1: Title Sheet, revised June 8, 2007:
 - Drawing #2: Layout Plan, revised June 8, 2007:
 - Drawing #3: Grading & Drainage Plan, revised June 8, 2007:
 - Drawing #4: Landscaping and Lighting Plan
 - Drawing #5: Erosion Control Plan
 - Drawing #6: Construction Details (1 of 2)
 - Drawing #7: Construction Details (2 of 2), revised June 8, 2007:\
 - Drawing #8: Information Drawing – Site Survey, prepared by Jay Greenwell, PLS, dated December 4, 2002, revised October 5, 2005

8. Letter signed by Donald Brenner, P.E., LL.B., dated October 11, 2007, with an attachment of a Retention Facility revised layout, prepared by Leonard Jackson Associates.
9. A letter signed by Donald Brenner, P.E., LL.B., dated July 30, 2007, with an attachment of a letter from Thom Kleiner, Supervisor, Town of Orangetown, dated July 23, 2007.
10. A Storm Drainage Report, prepared by Leonard Jackson Associates, dated December 7, 2006.
11. Submitted at the meeting, a letter from the Rockland County Department of Health, signed by Brian Hunderfund, Senior Environmental Health Specialist, dated October 16, 2007.
12. A copy of a letter to Leonard Jackson of Leonard Jackson Associates, signed by John Giardiello, P.E., Director, Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, dated February 7, 2005, with the following attachments; an interdepartmental memorandum signed by Ronald Delo, P.E., DEE, Director, Department of Environmental Management and Engineering, Town of Orangetown, dated January 31, 2005 and a letter from Leonard Jackson Associates, signed by Dennis Rocks, P.E., dated October 21, 2004.
13. Board Decisions: ACABOR #07-62, Approved with Conditions, dated October 16, 2007, ZBA #07-71, Approved with Conditions, dated July 5, 2007 and PB #06-68, Preliminary Site Plan Approval Subject to Conditions, dated March 14, 2006.

Public Comment: Erie Kyrzak, an abutting property owner, raised concerns regarding the development of the site and potential flooding of his property.

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

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

1. The Kolb Parking Lot Plan is being approved as an Accessory Use to the Subaru Dealership on Route 303 and is considered Temporary as per the Town of Orangetown Zoning Board of Appeals approval, ZBA #07-71. The Site Plan is indicating the requirement for a "Use Variance" and shall be pursued if the Parking Lot is not being proposed as "temporary".

2. The Planning Board has set a time limit on the “temporary” use being proposed, and that time is **limited to a term of 5 years**. The applicant shall reappear in front of the Planning Board to request an extension in time to continue to use the site prior to the end of that time period, unless Rockland County makes a decision to improve or not improve Orangeburg Road prior to the five year time period.
3. The original Site Plan was for 91 temporary car storage spaces and this Site Plan shows 106 temporary car storage spaces.
4. The applicant will require a Demolition Permit to remove the existing partial structure on the property.
5. A Zoning Variance is required from the Town of Orangetown Zoning Board of Appeals for the rear yard setback, which requires 25 feet, and 3 feet is provided. The yard designations are not properly labeled on the Site Plan and shall be amended.
6. The revised drainage calculations are currently under review by DEME.
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 Attorney’s Office for review and approval in substance and form. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc.
8. The revised soil erosion and sediment control plans and details are under review by DEME.
9. All existing easements shall be shown on the Site Plan, including page and liber or instrument number and ownership.
10. It appears that a new retaining wall is to be built on top of an existing headwall structure (on the southern end of the property), details for this construction shall be given with the plans.
11. The applicant's engineer shall demonstrate on the drawing how the proposed retaining wall (along the southern end of the property) is to be constructed on the property line without encroaching on the neighboring property.
12. The Drainage Consultant to the Planning Board recommended acceptance for drainage subject to six conditions in its previous review letter dated February 17, 2007, the following of which remain unsatisfied:
 1. The primary condition of acceptance is that the Applicant obtains a permit from the Rockland County Drainage Agency (RCDA) including their approval of the proposed fill and excavation in the flood plain. Failure to obtain a permit shall void this recommendation of acceptance.
 2. Two 15-in and two 30-in sewers cannot fit into a 4-ft diameter manhole (DMH-7A). A complete detail of the proposed manhole, including plan and section drawn to scale, must be provided for DMH-7A.
 3. The Applicant must provide a Mosquito Breeding Prevention Plan for the open detention basin acceptable to the Rockland County Department of Health. Documentation of such acceptance must be provided.

13. The Rockland County Highway Department has reviewed the plans and information provided and found that the proposed action would have no foreseeable adverse effect upon county roads in the area.

14. 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 this Site Plan.

15. Drainage plans and calculations for the site plan shall demonstrate that there will be no net increase in stormwater runoff from the subject property.

16. Prior to the start of construction or grading, a Soil Erosion and Sediment Soil Erosion and Sediment Control Plans and details shall be submitted to the Town of Orangetown Department of Environmental Management and Engineering for review and approval. The Soil Erosion and Sediment Control Plan shall meet the NYS Guidelines for Urban Erosion and Sediment Control.

17. Based on the information provided and maps available to the Rockland County Drainage Agency's (RCDA), the site has been determined to be within the jurisdiction of the RCDA. Accordingly, a permit from the RCDA pursuant to Chapter 846, Rockland County Stream Control Act, is required. The applicant shall submit an application to RCDA immediately. Any further decisions or determinations made by the Town of Orangetown in this matter shall indicate that the site is within the jurisdiction of the RCDA and that a permit from the RCDA is required.

18. 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."

19. 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

20. The applicant shall comply with all pertinent and applicable items in the Guide to the Preparation of Site 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.

The Board made a motion to override a Condition #1 of the Rockland County Department of Planning letter, dated October 19, 2007, signed by Salvatore Corallo, Commissioner.

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

The Planning Board overrode this condition since the site is not located on the state highway and state review is not required.

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

The foregoing Resolution was made and moved by Anthony Iurica seconded by Kevin Garvey and carried as follows: Bruce Bond, aye, Kevin Garvey, aye, Anthony Iurica, aye, William Young, aye, Robert Dell, absent, John Foody, aye and Jeffrey Golda, 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 24, 2007 Planning Board

Cheryl Coopersmith, Chief Clerk _____