

**TOWN OF ORANGETOWN PLANNING BOARD
MEETING OF OCTOBER 28, 2009**

MEMBERS PRESENT: Bruce Bond, Vice-Chairperson; Kevin Garvey; Robert Dell, Chairperson; John Foody; Andy Stewart; William Young and Jeffrey Golda
MEMBER ABSENT: None

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

Robert Dell, 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:

Blickman Subdivision Plan (Jacenquey Subd.)	PB #09-56
Request for an Extension of the Term of the Performance Bond 69.19/1/25; R-40 zoning district	Granted Extension and Increased Bond Amount
Ash Subdivision Plan	PB #09-57
Recommendation to the Town Board To Release the Performance Bond 77.14/1/16; R-15 zoning district	Postponed
Chestnut Petroleum Distributors Site Plan	PB #09-58
Final Site Plan Review 74.10/1/68; CS zoning district	Final Site Plan Approval Subject to Conditions
Peckish & Esurient, LLC Site Plan	PB #09-59
Final Site Plan Review 77.15/1/66; R-15 zoning district	Final Site Plan Approval Subject to Conditions
Biondi Site Plan	PB #09-60
Final Site Plan Review Critical Environmental Area 75.05/1/13; R-22 zoning district	Final Site Plan Approval Subject to Conditions
Sapienza Subdivision Plan	PB #09-61
Final Subdivision Plan Review Critical Environmental Area 65.20/1/7; R-40 zoning district	Final Approval Subject to Conditions

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Sapienza Site Plan

Prepreliminary/Preliminary/Final Site Plan
and SEQRA Review
Critical Environmental Area
65.20/1/7; R-40 zoning district

PB #08-59

Preliminary Site Plan
Approval Subject
to Conditions
Neg. Dec.

Other Business:

The Board reviewed the request William Brodsky, Sickletown Woods Subdivision, Developer, to relocate the Detention Pond and the associated piping improvements under the existing roadway. The applicant had originally requested to appear in front of the Board at the November 10, 2009 Planning Board Meeting, which has been cancelled. Since the next Planning Board Meeting is scheduled for December 9th, the Board determined that the applicant could start the roadway piping improvements in order to dedicate the roadway prior to it's appearance at the December 9, 2009 Planning Board Meeting. The Board stated that the applicant shall obtain the required approvals from the Town of Orangetown Department of Environmental Management and Engineering prior to the start of any type of construction at the site.

The Board reviewed, edited and approved the October 14, 2009 Planning Board Meeting. The motion for adoption was made and moved by Kevin Garvey and seconded by John Foody and carried as follows: Robert Dell, aye; Kevin Garvey, aye; Bruce Bond, aye; Andy Stewart, aye; Jeffrey Golda, 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 Bruce Bond and agreed to by all in attendance. The meeting was adjourned at 9:05 p.m. The next Planning Board meeting is scheduled for **Wednesday, December 9, 2009.**

**DATED: October 28, 2009
Town of Orangetown Planning Board**

PB #09-56 – Blickman Subdivision Plan– Granted an Extension of the Term of Performance Bond and Increased the Bond Amount, Subject to Conditions

Town of Orangetown Planning Board Decision

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TO: Victoria Blickman Jacqueney, 15 Sickletown Road, Pearl River, New York, 10965

FROM: Orangetown Planning Board

RE: An application Victoria Blickman Jacqueney, Trustee, owners, for review of an Extension of the term of the Performance Bond for a three lot subdivision known as "**Blickman 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 site is located at 15 Sickletown Road, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 69.19, Block 1, Lots 25.1, 25.2 and 25.3, in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 28, 2009**, at which time the Board made the following determination:

Robert Prier appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated October 21, 2009.
2. 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 28, 2009.
3. An interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering (DEME), Town of Orangetown dated October 23, 2009.
4. A letter from Victoria Blickman Jacqueney, Trustee, dated October 5, 2009, with an attachment.
5. PB #07-58 Recommendation to the Town Board to Establish Value and Term of the Performance Bond and PB #07-37b, Sidewalk Request Review, dated September 26, 2007.

The Board reviewed the plan.

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

PB #09-56 – Blickman Subdivision Plan– Granted an Extension of the Term of Performance Bond and Increased the Bond Amount, Subject to Conditions

Town of Orangetown Planning Board Decision

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

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

DECISION: In view of the foregoing, the Board **EXTENDED THE TERM OF THE BLICKMAN SUBDIVISION PLAN PERFORMANCE BOND FOR ONE YEAR UNTIL NOVEMBER 28, 2010**, subject to the following conditions:

1. All previous conditions of subdivision approval and performance bond requirement remain in effect.
2. The applicant shall increase the amount of the Performance Bond in accordance with the interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering (DEME), Town of Orangetown dated October 23, 2009.

<u>ITEM</u>	<u>COST</u>
Curbing	\$ 14,000.00
Sidewalk	\$ 12,775.00
Driveway Opening	6,000.00
Monuments	4,200.00
Iron Pins	1,350.00
As-Builts drawings	1,800.00
Soil Erosion & Sediment Control	30,775.00
Sanitary Sewer System	14,100.00
	<u>Sub-Total \$ 84,600.00</u>

Administrative Close-out (20% of Sub-Total) \$ 16,920.00

Total Bond \$ 101,520.00

Revised Inspection Fee not Required.

All Bonds are to conform to current town regulations.

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

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.

Dated: October 28, 2009

Town of Orangetown Planning Board

**PB #09-58 – TOWN OF ORANGETOWN PLANNING BOARD DECISION
Chestnut Petroleum Distributors Site Plan – Final Site Plan Approval
Subject to Conditions**

**October 28, 2009
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TO: Mickey Jamal; 536 Main Street, New Paltz, New York 12561
FROM: Orangetown Planning Board
RE: Application of Mickey Jamal, applicant, for Stella Baum, owner for Final Site Plan Review, for a site to be known as “**Chestnut Petroleum Distributors 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 75 Dutch Hill Road, Orangeburg, New York; east side of Dutch Hill Road, 200 feet south of the intersection of Orangeburg Road and Dutch Hill Road, Orangeburg, New York. Tax Map Numbers: Section 74.10, Block 1, Lot 68; in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 28, 2009**, at which time the Board made the following determinations:

Ciro Interrante appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated October 21, 2009.
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 28, 2009.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 22, 2009.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated October 12, 2009.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated October 23, 2009.
6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated October 26, 2009.
7. A letter from the Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated October 26, 2009.
8. Plans prepared by Ciro Interrante, R.A., dated March 27, 2008, revised September 11, 2009.
9. A copy of a letter to John Giardiello, P.E., Director Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Ciro Interrante, Architect, dated September 11, 2009.
10. Copies of ACABOR #09-31, Approved with Conditions, dated September 22, 2009, ZBA #09-39, 2009, Approved with Conditions PB #09-23 and Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated July 22, 2008.

PB #09-58 – TOWN OF ORANGETOWN PLANNING BOARD DECISION

Chestnut Petroleum Distributors Site Plan – Final Site Plan Approval Subject to Conditions

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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: Robert Dell, aye; Bruce Bond, aye; Andy Stewart, aye; John Foody, aye; William Young, aye; Jeffrey Golda, aye and Kevin Garvey, 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 following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
- 2.** The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
- 3.** The applicant shall comply with all pertinent and applicable conditions of all previous Board decisions: ACABOR #09-31, Approved with Conditions, dated September 22, 2009, ZBA #09-39, 2009, Approved with Conditions PB #09-23 and Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated July 22, 2008.
- 4.** The site is located on the east side of Dutch Hill Road, south of Orangeburg Road and immediately south of the entrance road to the Orangetown Shopping Center in Orangeburg. The 0.69 acre site is currently used as a Mobil gasoline station and contains an existing 2,303SF building used as a convenience store. The site also contains existing paved driveways and parking areas with access from Dutch Hill Road. The Applicant proposes to demolish the existing building and replace it with a new bigger 4,000SF building, while continuing use of the site as a gasoline station. In the Planning Board Consultant's previous review letter dated July 16, 2009, they recommended acceptance for drainage without conditions based on the Applicants calculation that the increase in impervious area is less than 400SF.

PB #09-58 – TOWN OF ORANGETOWN PLANNING BOARD DECISION

**Chestnut Petroleum Distributors Site Plan – Final Site Plan Approval
Subject to Conditions**

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Continuation of Condition #4.....

Upon review of Drawing SP-1, last revised September 11, 2009, the consultant found that the plans had been revised to include an Oil/Water Separator on one of the two existing catch basins. It was their opinion, that the installation of an oil/water separator may be beneficial for water quality, and they reiterated their recommendation of acceptance for drainage without conditions.

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

A review shall be completed by the Rockland County Highway Department and any required permits obtained.

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

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

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

A review must be done by the Rockland County Department of Health for the underground storage tanks and any required permits obtained.

6. Based upon the plans and information provided for the project, the Rockland County Department of Highways found that the required action will have a de minimus impact to County Roads in the area.

7. Rockland County Department of Health noted that the project site has newly installed tanks that have leak monitoring devices which are wired into the existing building. The monitoring devices are alarmed and information is gathered in the inside of the building on a wall panel. If the applicant is planning on demolishing the existing structure, then the existing system must remain functioning. The applicant must be aware of this requirement and contact the Rockland County Department of Health.

8. Based upon the 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 Chapter 846, Rockland County Stream Control Act, is not requested based upon its review of the information provided.

PB #09-58 – TOWN OF ORANGETOWN PLANNING BOARD DECISION

**Chestnut Petroleum Distributors Site Plan – Final Site Plan Approval
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9. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plats prior to signing the final plans.

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

11. 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 #09-58 – TOWN OF ORANGETOWN PLANNING BOARD DECISION
Chestnut Petroleum Distributors Site Plan – Final Site Plan Approval
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12. 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.

13. 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.

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

15. 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).

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

17. 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

18. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater system 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 schedules, inspection check lists, contact person with telephone number, yearly report to be submitted to DEME, etc.

The foregoing Resolution was made and moved by Bruce Bond and seconded by William Young and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, 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 28, 2009

Town of Orangetown Planning Board

PB #09-59 – Peckish & Esurient Site Plan- Final Site Plan Approval Subject to Conditions

TOWN OF ORANGETOWN PLANNING BOARD DECISION

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TO: Daniel Bertolino, 407 North Highland Avenue, Nyack, New York 10960

FROM: Orangetown Planning Board

RE: Application of Peckish & Esurient, LLC, owner, (Daniel Bertolino, Attorney for the applicant) for Final Site Plan Review for a site to be known as “**Peckish & Esurient, LLC 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 41 Van Wardt Place, Tappan, New York. Tax Map Numbers: Section 77.15, Block 1, Lot 66; in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 28, 2009**, at which time the Board made the following determinations:

Alan Garfinkel appeared and testified for the applicant.

1. A Project Review Committee Report dated October 21, 2009.
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 28, 2009.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 22, 2009.
4. A letter from HDR, signed by Harvey Goldberg, P.E., dated October 14, 2009.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated October 26, 2009.
6. A letter from Rockland County Highway Department, signed by Joseph Arena, Principal Engineering Technician, dated October 26, 2009.
7. Letters from the Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated October 28 and August 24, 2009.
8. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 10, 2009.
9. Copies of letters from the applicant to the Rockland County Drainage Agency, dated September 11 and 2, 2009.
10. Site Plan prepared by Brooker Engineering, dated January 28, 2004, last revision date of July 16, 2007.
11. PB #09-24, Preliminary Site Plan Approval Subject to Conditions, dated July 22, 2009.

PB #09-59 – Peckish & Esurient Site Plan- Final Site Plan Approval Subject to Conditions

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Public Comments:

Mr. Machardo, 33 Van Wardt Place, Tappan; asked questions regarding the Planning Board process.

A motion was made to close the Public Hearing portion of the meeting by Bruce Bond and seconded by William Young and carried as follows: Bruce Bond, aye, Kevin Garvey, aye, Andy Stewart, aye, William Young, aye, John Foody, aye, Robert Dell, aye and Jeffrey Golda, 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 following note shall be placed on the site plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall comply with all pertinent and applicable conditions of all previous Board decisions: PB #09-24, Preliminary Site Plan Approval Subject to Conditions, dated July 22, 2009 and ZBA Board decision ZBA #08-93, Reverse Determination/Interpretation of Building Inspector: New York State Town Law § 280 –a; Does not apply, dated October 15, 2008.
4. No grading is to take place within five feet of the north property line.
5. In the rear of the property, a contract limit line is to be established to save the exiting trees.
6. Any further Board approvals, to include Final Planning Board Approval, shall be subject to the approval Town of Orangetown Superintendent of Highways and the Fire Department of the driveway access.
7. A Maintenance Agreement for the driveway shall be subject to review and approval in substance and form by the Town of Orangetown Office of the Town Attorney.

PB #09-59 – Peckish & Esurient Site Plan- Final Site Plan Approval Subject to Conditions

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- 8.** The applicant shall submit a Stormwater maintenance agreement for the drywells, subject to review and approval in substance and form by the Town of Orangetown Office of the Town Attorney and DEME.
- 9.** 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 Site Plan, shall be supplied to the Planning Board and DEME, prior to receiving Final Approval for this Site Plan.
- 10.** A note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.
- 11.** The 0.65 acre vacant site is located on the east side of Van Wardt Place, approximately 500-ft south of the intersection with Oak Tree Road in Tappan. The Sparkill Creek flows through the southeast end of site and floods nearly the entire site. The 100-yr flood elevation has been established as EI 36.5.

The Applicant proposes to fill the northwest portion of the site adjacent to Van Wardt Place to between EI 36 and 37, and to construct a proposed dwelling with the first floor at EI 37.5. The Applicant proposes to provide compensating storage by removing approximately 2,500CY of material from the flood plain to compensate for 2,300CY of fill. In the Planning Board's Consultant's previous review letter dated July 3, 2009, they recommended acceptance for drainage subject to several conditions, the following of which has not been satisfied:

- The Rockland County Drainage Agency must approve of this project and issue a Drainage Permit. A copy of the permit must be provided.

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

The issues raised in the May 11, 2007, January 28, 2008, March 18, 2009 and June 11, 2009 letters from the Rockland County Drainage Agency must be met. All required permits must be obtained prior to any grading or construction on site.

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

As indicated in the April 22, 2009 letter from the Rockland County Department of Highways, the site plan shall indicate the names of the parties to benefit by the drainage and sewer easement.

PB #09-59 – Peckish & Esurient Site Plan- Final Site Plan Approval Subject to Conditions

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Continuation of Condition #12.....

Rockland County Department of Highways requests that the site plan shall indicate the names of the parties to benefit by the drainage and sewer easement.

The Floodplain Administrator for the Town of Orangetown shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.

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

The Rockland County Department of Planning requests the opportunity to review any variances that may be required to implement the proposed Site Plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

13. Based upon the plans and information provided for the project, the Rockland County Department of Highways found that the required action will have a de minimus impact to County Roads in the area.

14. Rockland County Department of Highways requests that the site plan shall indicate the names of the parties to benefit by the drainage and sewer easement.

15. Application is to be made to Rockland County Department of Health for review of the stormwater management system for compliance with the County Mosquito Code.

16. Rockland County Drainage Agency's (RCDA) has previously reviewed this proposal and the site has been determined to be within the jurisdiction of the RCDA. To dated, the applicant has not met all conditions necessary for RCDA to issue a permit. Based on a review of the material submitted, the RCDA offers the following comments:

1. The plan submitted appears to indicate that the area of Van Wardt Place on which a driveway is to be constructed is privately owned. The applicant shall provide RCDA written clarification as to whether all areas on which construction is proposed are publicly owned or owned by the applicant. If any of the property on which construction is proposed is privately owned by a person or entity other than the applicant, provide a new permit application signed by all property owners with a written request to amend the existing permit application.
2. The revised site plan indicates that four (4) drywells are to be installed. The contrary, the "Construction Cost Estimate" and the drywell detail submitted indicates that three (3) drywells are to be installed. Please review and revise as necessary.
3. All drawings and calculations must be signed and stamped or sealed by a Professional Engineer or Registered Architect licensed in the State of New York.
4. All requested information shall be submitted to RCDA in triplicate. Contact Shajan Thottakara, P.E. of the RCDA if you have any questions/comments.

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17. The following note shall be placed on the map:

TREE PROTECTION: 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.

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

19. 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.

PB #09-59 – Peckish & Esurient Site Plan- Final Site Plan Approval Subject to Conditions

TOWN OF ORANGETOWN PLANNING BOARD DECISION

October 28, 2009

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- 20.** The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
- 21.** 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).
- 22.** Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
- 23.** 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
- 24.** The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.
- 25.** 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.
- 26.** All reviews and approvals from various governmental agencies must be obtained prior to stamping of the site plan.

The foregoing Resolution was made and moved by Bruce Bond and seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, 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 28, 2009

Town of Orangetown Planning Board

PB #09-60 – Biondi Site Plan – Final Site Plan Approval Subject to Conditions; Critical Environmental Area

Town of Orangetown Planning Board Decision

October 28, 2009

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TO: Ken DeGennaro, P.E.; Brooker Engineering; 76 Lafayette Avenue
New York

FROM: Orangetown Planning Board

RE: Application of Bruno Biondi, owner, for Final Site Plan Review for a site to be known as "**Biondi 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 at 311 Tweed Boulevard, Upper Grandview, New York. Tax Map:75.05/1/13; R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 28, 2009** and at which time the Board made the following determinations:

Kenneth DeGennaro and Donald Brenner appeared and testified.

The Board received the following communications.

1. A Project Review Committee Report dated October 21, 2009.
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 28, 2009.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 22, 2009.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated January 2, 2009.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated October 26, 2009.
6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated 26, 2009.
7. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated September 24, 2009.
8. Letters from New York State Department of Transportation, signed by Mary Jo Russo, PE, Rockland County Permit Engineer, dated October 26 and January 5, 2009 and December 2, 2008.
9. Plans prepared by Brooker Engineering, dated November 1, 2005, revised June 16, 2009:
 - Drawing 1: Title Sheet
 - Drawing 2: Plot Plan
 - Drawing 3: Cross Sections
 - Drawing 4: Details
 - Drawing 5: Drainage and Edge of Pavement, dated November 16, 2006

PB #09-60 – Biondi Site Plan – Final Site Plan Approval Subject to Conditions; Critical Environmental Area

Town of Orangetown Planning Board Decision

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10. Submitted at the meeting by Ruth Goodrich: 125 Tweed Boulevard, Upper Grandview, a letter signed by Ruth Weber, Upper Grandview Association, dated October 28, 2009.

11. Copies of ACABOR #09-30, Approved with Conditions, dated September 8, 2009, ZBA #09-22, Floor Area Ratio, Lot Area, Front Yard and Building Height Variances Approved with Conditions, dated May 20, 2009 and PB #08-50, Amendment to PB #06-31, Preliminary Site Plan Approval Subject to Conditions, dated January 14, 2009.

Public Comments:

James Goodrich: 125 Tweed Boulevard, Upper Grandview, raised concerns regarding the proposed access to the project site.

Judy Goodrich: 125 Tweed Boulevard, Upper Grandview, read a letter for a resident who could not attend the meeting.

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall comply with all pertinent and applicable conditions of all previous Board decisions: ACABOR #09-30, Approved with Conditions, dated September 8, 2009, ZBA #09-22, Floor Area Ratio, Lot Area, Front Yard and Building Height Variances Approved with Conditions, dated May 20, 2009 and PB #08-50, Amendment to PB #06-31, Preliminary Site Plan Approval Subject to Conditions, dated January 14, 2009.
4. The Drainage Consultant to the Planning Board found that based upon its review of the current submittal (submittal consists of five drawings numbered 1-5 last revised December 8, 2008, a letter from NYSDOT dated December 2, 2008, and a letter from Brooker Engineering dated December 9, 2008) the consultant recommended acceptance for drainage without conditions.

PB #09-60 – Biondi Site Plan – Final Site Plan Approval Subject to Conditions; Critical Environmental Area

Town of Orangetown Planning Board Decision

October 28, 2009

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5. A maintenance agreement 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.

6. 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 Site Plan, shall be supplied to the Planning Board and DEME, prior to receiving Final Approval for this Site Plan.

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

The concerns expressed in the December 26, 2008 letter from the Village of Piermont mayor regarding the subject site plan shall be addressed.

The concerns expressed in the September 4, 2008 letter from the Rockland County Highway Department shall be addressed and all required permits obtained.

The application shall comply with the conditions noted in the December 2, 2008 letter from the New York State Department of Transportation and obtain all required permits.

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

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

A review shall be completed by the Rockland County Health Department for the proposed well and septic tank, any required permits must be obtained.

The Town shall be satisfied that possible visual impacts from the Hudson River and other areas to the east have been evaluated and minimized if found to be potentially significant. If it is believed that structures will be visible from these areas, it is suggested that structures be constructed with earth tones colors. In addition, architectural techniques such as gables and other means of breaking up the horizontal lines of the rear elevation of the structures shall be considered in design in order to allow structures to better blend with the environment. Notes addressing the following issues shall be added to the Site Plan. The architectural design incorporates gables and other means of breaking up the horizontal lines of the structure, as well as the use of a buff/khaki blend stucco and heather blend roof shingles, both earth tone colors.

PB #09-60 – Biondi Site Plan – Final Site Plan Approval Subject to Conditions; Critical Environmental Area

Town of Orangetown Planning Board Decision

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8. The Rockland County Department of Highway had the following comments:

The proposed trench drain shall be contained within the property lines so that it is not within the right of way.

The extent and limits of any proposed driveway curbing must be demonstrated on the site plan.

Temporary barrier must be specified to replace the guide rail removed during excavation and shall be shown on the plans. Erosion control during construction must also be shown.

All planting and structures placed within the County Right of way must be approved by the Rockland County Highway Department and shall be included on the Site Plan. A note to this effect shall be included on the Site Plan.

Add a note on Drawing 4 to indicate the Corrugated Beam Guide Railing at end treatment for the entrance driveway shall conform to the NYSDOT Standard Drawing Number M606-6 latest edition.

For Detail "A" – Concrete Anchor Shown on Drawing 4, height of concrete shall be shown as 1118 in lieu of 118.

It is recommended that unit for the new guide rail information shall be converted to inches and feet to be in line with the rest of the drawings.

Detail "C" identified for the Rail Section and anchor rod detail need to be shown on the drawings.

The extent of existing guide rail and the stone retaining wall to be removed shall be indicated on the drawings. Any transition shall be demonstrated.

The turn around driveway shown is not sufficient to accommodate the vehicle backing out from the garage. The turn around pavement needs to be widened to accommodate.

Proposed walkway information shall be shown on Section B-B. Show the trench drain on Section A-A.

The applicant shall offer an evaluation of keeping the existing stone wall within the right of way line structurally sound and safe during and after the construction.

The applicant shall consider replacing the existing 12-inch CMP pipe running from the catch basin within Tweed Boulevard to the new field inlet with a new 15 inch diameter HDPE.

Backfill and compaction information shall be shown on the drawings. Proposed stone wall information shall be shown.

The applicant must adequately address the temporary traffic control and emergency vehicle access during the construction there shall also be discussion on the available onsite parking for the construction workers and whether the construction vehicles will be parked for an extended time along the roadway.

PB #09-60 – Biondi Site Plan – Final Site Plan Approval Subject to Conditions; Critical Environmental Area

Town of Orangetown Planning Board Decision

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9. Rockland County Health Department requires that the applicant obtain approval of the stormwater management system from the County's Bureau of Mosquito control.

10. The New York State Department of Transportation (NYSDOT) has reviewed the most recent site plan and has the following comments:

1. As noted previously, soil borings shall be taken prior to construction to ensure proposed drainage is constructible with existing soil and rock conditions. The plans shall require the permittee to complete the drainage work prior to the construction of the home. All revisions to the drainage shall be submitted to NYSDOT for review and approval.

2. White Note 2 on Drawing NO. 2 states that all roof leaders for the new house will outlet to the detention system, it appears the roof leaders outlet at the outlet of the detention system thereby bypassing the system. Please clarify.

3. A NYSDOT highway work permit will be required for the temporary access to construct the drainage on the property and for connection to the state system. Details for the construction, erosion control and restoration of the temporary access will be required.

4. Place note on plans requiring drainage to be in place prior to all other construction to ensure the proposed drainage system is constructible in the existing soil conditions.

5. A NYSDOT Highway Work permit will be required from NYSDOT prior to the commencement of drainage work or temporary access to the property from Route 9W.

11. A Contract Limit Line shall be added to the site between contour 330 and contour 362.

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:

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Continuation of Condition #14.....

- 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 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.
- 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.

PB #09-60 – Biondi Site Plan – Final Site Plan Approval Subject to Conditions; Critical Environmental Area

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

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

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

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

Overrides

The Board made a motion to override Conditions #7 and #8 of the October 26, 2009 letter from Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, for the following reasons:

#7. 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 Villages, Towns and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

The Board held that this application did not apply to this condition since it would be obtaining its water supply from well water.

A motion to override the condition was made and moved by Bruce Bond and seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Andy Stewart, aye; Jeffrey Golda, aye; William Young, aye and John Foody, aye.

PB #09-60 – Biondi Site Plan – Final Site Plan Approval Subject to Conditions; Critical Environmental Area

Town of Orangetown Planning Board Decision

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#8. 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.

The Board held that this application did not apply to this condition since it would be obtaining its water supply from well water.

A motion to override the condition was made and moved by Bruce Bond and seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Andy Stewart, aye; Jeffrey Golda, aye; William Young, aye and John Foody, aye.

The foregoing Resolution was made and moved by Kevin Garvey seconded by Bruce Bond and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, aye; 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 28, 2009

Planning Board
Env. Mgt. Eng.
PRC

OBZPAE RC Planning
HDR Town Board
Supervisor

RC Drainage
Assessor

RC Highway
Town Attorney

**PB #09-61- Sapienza Subdivision Plan; Final Subdivision Plan Approval
Subject to Conditions; Critical Environmental Area**

Town of Orangetown Planning Board Decision

October 28, 2008

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TO: Damian Holwinski, Dominick Pilla Associates; 23 Depew Avenue;
Nyack, New York 10960
FROM: Orangetown Planning Board

RE: The application of Joseph Sapienza, owner for Final Subdivision Review for a two lot subdivision to be known as "**Sapienza Subdivision Plan**", 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 21 of the Code of the Town of Orangetown. The site is located at 253 South Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 65.20, Block 1, Lot 7 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at the meeting, **Wednesday, October 28, 2009**, at which time the Board made the following determinations:

Dominick Pilla, Jorel Vallaro and Joseph Sapienza appeared and testified. The Board received the following communications:

1. A Project Review Committee Report dated October 21, 2009.
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 28, 2009.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated October 22, 2009.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated October 21, 2009.
5. A letter signed by Salvatore Corallo, Commissioner of Planning, dated October 23, 2009.
6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated October 22, 2009.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 2, 2009 and December 29, 2008.
8. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated November 9, 2007.

**PB #09-61- Sapienza Subdivision Plan; Final Subdivision Plan Approval
Subject to Conditions; Critical Environmental Area**

Town of Orangetown Planning Board Decision

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9. A copy of a letter from Rockland County Department of Health, signed by Brian Hunderfund, Senior Environmental Health Specialist, to Dominick Pilla Associates, dated October 14, 2009.
10. A copy of a letter from United Water New York, signed by Jack Ferraro, to Jorel Vaccaro, Dominick Pilla Associates, dated October 19, 2009.
11. A copy of a letter from New York/New Jersey Trail Conference, signed by Jakob Franke, Chair Long Path South Committee, to Dominick Pilla Associates, dated October 20, 2009.
12. Subdivision Plan prepared by Dominic R. Pilla, Associates, P.C., dated August 26 2008, last revision date of September 18, 2009.
13. Drainage Calculations prepared by Dominick Pilla Associates, dated September 21, 2009.
14. The following Legal Documents:
 - (1) Private Road Maintenance Agreement for 253A and 253B South Boulevard
 - (2) Declaration of Reciprocal and Cross Easements for Ingress, Egress, and Utilities with Covenants for Maintenance for the 253 South Boulevard Subdivision
15. Copies of PB #07-72, Preliminary Subdivision Approval Subject to Conditions, Neg. Dec., dated November 12, 2008, ACABOR #09-07, Approved with Conditions, dated March 17, 2009 and ZBA #09-08, Street Frontage, Side Yard and Building Height Variances Approved, dated February 24, 2009.
16. A letter from Dominick Pilla Associates, dated September 21, 2009.

The Board reviewed the plans.

Public Comment: Peter Colquitt, 257 South Boulevard, an abutting property owner, raised concerns regarding impact of headlights shining onto his property. Mr. Colquitt requested additional plantings along the driveway.

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

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

**PB #09-61- Sapienza Subdivision Plan; Final Subdivision Plan Approval
Subject to Conditions; Critical Environmental Area**

**Town of Orangetown Planning Board Decision
October 28, 2008
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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 applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: PB #07-72, Preliminary Subdivision Approval Subject to Conditions, Neg. Dec., dated November 12, 2008; ACABOR #09-07, Approved with Conditions, dated March 17, 2009 and ZBA #09-08, Street Frontage, Side Yard and Building Height Variances Approved, dated February 24, 2009.
4. It is still unclear, on Sheet SP-02, as to where the proposed catch basins for the new driveway shall be tying into, this shall be corrected.
5. The drainage calculations are currently under review. However, the applicant's engineer shall specify whether the Perc Rate given in the supplied drainage calculations (dated 9/04/08) is assumed or based upon a field survey. If the per rate is assumed, a field Perc Test shall be administered prior to receiving Final Approval for Site Plan, to ensure adequacy of designed drainage system. The applicant's engineer shall provide a copy of the field Perc Test to DEME and the Building Department.
6. The Soil Erosion and Sediment Control Plans and Details are under review by DEME.
7. The Drainage Consultant to the Planning Board recommends acceptance for drainage subject to the following conditions:
 - Drawing SP-01 and SP-02 show notes for utility and access easements. However, the utility and access easement note is incorrectly pointing to the utility easement. This must be corrected. Appropriate notes as approved by the Planning Board shall be added to the Subdivision Plan that refers to the easements.
 - An enlarged scale detail of the storage/infiltration area has been added to Drawing SP-02. However, it does not show sufficient detail and dimensions to permit proper construction. The calculations are based on a trench 17-ft wide by 109-ft long which does not agree with the plan. Grading contours must be shown on the detail in addition to the extent of the temporary ponding area.

**PB #09-61- Sapienza Subdivision Plan; Final Subdivision Plan Approval
Subject to Conditions; Critical Environmental Area**

**Town of Orangetown Planning Board Decision
October 28, 2008
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Continuation of Condition #7

- The calculations indicate that 7,974CF of storage are required to mitigate the increase in runoff from the developed site. The Planning Consultant requires that a minimum of 80 percent of this volume (6,380CF) be storage volume with the balance infiltration volume. The calculation must show how the storage volume is calculated (i.e. it is not a 17-ft by 109-ft trench according to the plan). Detailed calculations must be provided for the ponded storage volume. Percolation tests on the site indicate a percolation rate of 20-min per in. This is equivalent to 1.6 CF/SF/Day not 6.0 ft/day. The calculation on page 2 contains errors that must be revised.
- The Rockland County Department of Health (RCDOH) must be contacted to determine if a mosquito breeding avoidance plan is needed, and the Applicant shall obtain their approval of such plan if required. A copy of the RCDOH approval letter must be submitted and any requirements must be noted on the Site Plan.
- The driveway cross section has been revised to show curbs on both sides of the driveway. The Drainage Consultant requested that curbs must be provided on the low side of the driveway to direct runoff into the catch basins and ultimately into the storage/infiltration system. Some parts of the driveway have concrete walls that may substitute for curbs. The extent of the proposed curbs must be clearly shown on the plans. A construction detail of the proposed curb must be added to the plan.
- Provide centerline profiles for each section of proposed storm sewer. Show the hydraulic grade line for each length of pipe and the 100-yr water levels at each structure.
- All storm sewers must be designed for a 25-yr storm without surcharging in the pipes or structures. They must also be designed for a 100-yr storm as well. In the 100-yr design, we allow surcharging in the pipes and at structures, provided there is a minimum 12" freeboard at all structures (i.e. maximum water level must be a minimum of 12-in below the rim. The calculations must use the appropriate 25-yr or 100-yr high water level in the basin as the tailwater elevation. Minimum storm sewer pipe size shall be 12-in.

**PB #09-61- Sapienza Subdivision Plan; Final Subdivision Plan Approval
Subject to Conditions; Critical Environmental Area**

**Town of Orangetown Planning Board Decision
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Continuation of Condition #7

- Provide centerline profiles for each proposed swale collection systems.
- Provide calculations for sizing each proposed drainage swale. Construction details of each swale must be added to the plans. The swales shall be designed to convey a 100-yr, 24-hr, Type III storm with a 6-in minimum freeboard.
- Swales must be stabilized so that they do not erode due to high stormwater velocities. Sod will be eroded by the high velocities resulting from the steep slopes and is unacceptable. The slope is shown as 15 percent in the calculations with velocities from 9.18 ft/sec to 15.37 ft/sec. A detail for each proposed swale must be shown on the plans on the plans.
- Provide a sectional plan view of the Trench Drain Lawn Inlet (CB-6) to scale and show the orientation of all pipes, including the pipe from CB-4. Show the two 36-in pipes entering the catch basin on an angle as per plan. Show the 36-in by 12-in reducer in the plan. The reducer must be an eccentric reducer with the 12-in pipe at the bottom. The length of the 12-in pipe must be shown. As an alternate the 36-in pipe can connect directly to the catch basin.
- Calculations for sizing the drywells have been provided, however the Drainage Consultant requires that the Westchester County Method be used for sizing drywells. The drywells may be required to make up the storage deficiency of the infiltration trench.
- All catch basins (lawn inlets) except CB-6 shall be standard size, 4'-0" by 2'-6" precast concrete structures.
- All trench drains shall discharge to a catch basin. The catch basins for TD-1 and TD-3 that go to a drywell shall have a 24-in deep sump and a catch basin trap to prevent debris from entering the drywell.
- Provide a detail for the manhole at the proposed building on Lot 2. Alternatively, a standard catch basin can be used.

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

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

An updated review must be completed by the Rockland County Highway Department and all required permits obtained.

Since the property abuts the Blauvelt State Park and a portion of the Long Path regional hiking trail that is in the park, the Palisades Interstate Park Commission shall review the proposed subdivision plan and any concerns that the commission may have shall be addressed.

Since the western boundary of the property is adjacent to t portion of the Long Path regional hiking rail, a review shall be completed by the New York/new Jersey Trail Conference and any concerns addressed.

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.

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 Villages, Towns and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

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.

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Continuation of Condition #8...

Pursuant to the Rockland County Stream Control Act, the subdivision map must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk will accept the plan for filing.

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

A detailed note shall be include on the subdivision plat and deeds explaining maintenance responsibilities for utilities and access features in the proposed utility and access easement.

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.

9. Rockland County Department of Highways reviewed the plans and offers the following comments:

Based upon the information provided, the design as shown will have no foreseeable adverse effect upon County Highways in the area. Rockland County Department of Highways poses no objection to the site plan and subdivision plan as presented.

Rockland County Department of Highways recommends that come type of maintenance program or guarantee, which requires landowners to be held responsible for the proper operation and maintenance of onsite drywell and drainage systems be considered. The filed subdivision map shall clearly indicate the names of the party of parties responsible for the future maintenance and proper operation of the drywells, trench drain, and catch basins that incorporate the onsite and private roadway drainage system.

10. The Rockland County Drainage Agency (RCDA) reviewed this proposal and based on the information provided and maps available to the RCDA, the site has been determined to be 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. Please be advised that 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.

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11. The Rockland County Department of Health offered the following comments:

- 1) Verification is to be obtained from the Water Supplier that adequate pressure can be provided to the proposed dwelling. The use of an individual home booster pump is not permissible. Any questions regarding this should be directed to Sam Rulli, P.E. of the Environmental Health Program.
- 2) There is to be a minimum 10-foot separation between the sanitary sewer lateral and domestic water service.
- 3) Cleanouts are to be provided at all bends of the sanitary sewer line at the right of way line.
- 4) 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. No other Rockland County Department of Health approvals are needed for this application.

12. United Water New York advised that water service can currently be made available to the proposed 2 lot subdivision, using a project max day demand of 1270 gpd, subject to the following conditions (Willingness to Serve letter):

Prior to the installation of any services or the extension of any mains, hydraulic data pertinent to the project must be provided to United Water New York, for its Engineering Department for review and approval.

If, as a result of such review, it is decided that any extension of mains or pipes or modification of other facilities is required in order to meet the hydraulic needs of the project, those mains or facilities will be installed or extended by the applicant in accordance with the terms and conditions of United Water New York's standard agreements for extensions.

Service will be provided in accordance with the terms and conditions set forth in United Water New York's filed Tariff, as amended or modified from time to time.

Water mains shall be laid in accordance with the Recommended Standards for Water Works (a..k.a. Ten State Standards).

This willingness to serve letter is contingent upon United Water New York. Inc., having County, State and Federal regulatory authorization to provide the requested water service and is valid for nine (9) months form the date of issuance, If the main installation/extension or service installation is not completed an approved by Rockland County Department of Health within nine (9) months form the date this letter is issued, this willingness to serve letter will expire, and it will be necessary for you to request a new willingness to serve letter.

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13. The New York/New Jersey Trail Conference reviewed the plans and found the proposed action would have no impact on the Long Path hiking trail.

14. Where a reservation of land for recreation purposes has been deemed by the Planning Board to be inadequate, Money in Lieu of Land for recreation purposes must be collected in accordance with Section 21-20 of the Land Development Regulations (\$9,000.00 for every vacant new residential lot). In addition, for every new vacant residential lot, \$80.00 will be collected for the Stream Maintenance Fund.

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

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

17. 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:

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.

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Continuation of Condition #17...

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.

18. 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.

19. 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.

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

21. 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).

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

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

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

The foregoing Resolution was made and moved by Kevin Garvey and seconded by Bruce Bond and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, 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 28, 2009

Planning Board
Env. Mgt. Eng.
PRC

OBZPAE RC Planning
HDR Town Board
Supervisor

RC Drainage
Assessor

RC Highway
Town Attorney

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TO: Damian Holwinski, Dominick Pilla Associates; 23 Depew Avenue;
Nyack, New York 10960
FROM: Orangetown Planning Board

RE: The application of Joseph Sapienza, owner for Prepreliminary/Preliminary Site Plan Review for a site to be known as "**Sapienza Site Plan**", 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 21 of the Code of the Town of Orangetown. The site is located at 253 South Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 65.20, Block 1, Lot 7 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings, **Wednesday, November 12, 2008 and October 28, 2009**, at which time the Board made the following determinations:

November 12, 2008

Dominick Pilla and Joseph Sapienza appeared and testified.

The Board received the following communications:

1. A Project Review Memo dated November 5, 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 November 12, 2008.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated November 6, 2008.
4. A letter from HDR, signed by Harvey Goldberg, P.E., dated November 10, 2008.
5. Letters from the Rockland County Department of Planning, signed by Eileen Miller, dated October 23, 2008 and Salvatore Corallo, Commissioner of Planning, dated November 3, 2008.
6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated October 29, 2008.
7. A letter from Rockland County Drainage Agency signed by Edward Devine, Executive Director, dated November 9, 2008.
8. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated September 25, 2008.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, dated October 1, 2008.

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10. An e-mail from the New York/New Jersey Trail Conference from Winston Perry, dated September 26, 2008.

11. A Short Environmental Assessment Form signed by Zaki Albanna, dated September 17, 2008.

12. Drainage Calculations; prepared by Dominic R. Pilla, Associates, P.C., dated September 4, 2008, with attached plans dated August 5, 2008:

D-01: Proposed Drainage Plan

D-02: Pre-Developed Drainage Plan

13. Plans prepared by Dominic R. Pilla, Associates, P.C., dated August 6, 2008, unless noted:

SP-00: Cover Sheet, dated August 26, 2008

SP-01: Site Plan, dated August 26, 2008

SP-02: Grading & Erosion Control Plan, dated August 26, 2008

SP-03: Driveway Profile, Details and Sections, dated August 26, 2008

SP-04: Details, dated August 26, 2008

A100: Basement Plan

A101: Main Level Floor Plan

A102: 2nd Floor Plan

A103: Roof Plan

A200: Proposed East Elevation

A201: Proposed North Elevation

A202: Proposed West Elevation

A301: South to North Building Section

A302: South to North Main Building Section

The Board reviewed the plans.

The applicant requested a **CONTINUATION** of the application.

October 28, 2009

Dominick Pilla, Jorel Vallaro and Joseph Sapienza appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated October 21, 2009.
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 28, 2009.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated October 22, 2009.

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4. A letter from HDR signed by Harvey Goldberg, P.E., dated October 22, 2009.
5. A letter signed by Salvatore Corallo, Commissioner of Planning, dated October 23, 2009.
6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated October 22, 2009.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 2, 2009 and December 29, 2008.
8. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated November 9, 2007.
9. A copy of a letter from Rockland County Department of Health, signed by Brian Hunderfund, Senior Environmental Health Specialist, to Dominick Pilla Associates, dated October 14, 2009.
10. A copy of a letter from United Water New York, signed by Jack Ferraro, to Jorel Vaccaro, Dominick Pilla Associates, dated October 19, 2009.
11. A copy of a letter from New York/New Jersey Trail Conference, signed by Jakob Franke, Chair Long Path South Committee, to Dominick Pilla Associates, dated October 20, 2009.
12. Subdivision Plan prepared by Dominic R. Pilla, Associates, P.C., dated August 26 2008, last revision date of September 18, 2009.
13. Copies of PB #07-72, Preliminary Subdivision Approval Subject to Conditions, Neg. Dec., dated November 12, 2008, ACABOR #09-07, Approved with Conditions, dated March 17, 2009 and ZBA #09-08, Street Frontage, Side Yard and Building Height Variances Approved, dated February 24, 2009.
14. Drainage Calculations prepared by Dominick Pilla Associates, dated September 21, 2009.
15. The following Legal Documents:
 - (1) Private Road Maintenance Agreement for 253A and 253B South Boulevard
 - (2) Declaration of Reciprocal and Cross Easements for Ingress, Egress, and Utilities with Covenants for Maintenance for the 253 South Boulevard Subdivision
16. A letter from Dominick Pilla Associates, dated September 21, 2009.

The Board reviewed the plans.

Public Comment: Peter Colquitt, 257 South Boulevard, an abutting property owner, raised concerns regarding impact of headlights shining onto his property. Mr. Colquitt requested additional plantings along the driveway.

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

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- 1.** The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
- 2.** The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
- 3.** No construction is to take place within five feet of the Northern property line, except as specified on the approved Site Plan.
- 4.** The Board requests that evergreen trees along contour 390 and 418. Screening shall be planted along the driveway, in order to provide privacy to the abutting property owner, (Colquitt). The Town of Orangetown Architecture and Community Appearance Board of Review shall determine the extent of plantings to be established.
- 5.** On the Southern side, construction shall not take place between the 442 contour and the 380 contour, except where the evergreen trees are to be planted.
- 6.** The Short Environmental Assessment Form appears to be in order.
- 7.** The Town of Orangetown Architecture and Community Appearance Board of Review shall review the plans.
- 8.** Based on the steepness of the slope of the existing property and the soil types, the engineer shall submit design calculations for the relocated swale on Lots #1 and #2 and provide for the velocity and volume of runoff for the proposed conveyance swale. The proposed house located on Lot #2 of the subdivision shows the structure over an existing portion of swale at elevation 440 to 426. A Site Plan for Lot #2 shall be submitted showing provisions for runoff behind the proposed house on Lot #2.
- 9.** It is still unclear, on Sheet SP-02, as to where the proposed catch basins for the new driveway shall be tying into, this shall be corrected.
- 10.** The drainage calculations are currently under review. However, the applicant's engineer shall specify whether the Perc Rate given in the supplied drainage calculations (dated 9/04/08) is assumed or based upon a field survey. If the per rate is assumed, a field Perc Test shall be administered prior to receiving Final Approval for Site Plan, to ensure adequacy of designed drainage system. The applicant's engineer shall provide a copy of the field Perc Test to DEME and the Building Department.

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11. The Soil Erosion and Sediment Control Plans and Details are under review by DEME.

12. Trench drains shall be added to the driveway for proposed Lot #2.

13. The Drainage Consultant to the Planning Board recommends acceptance for drainage subject to the following conditions:

The Applicant proposes to construct a new driveway, a 4,224SF addition to an existing dwelling on a 3.56-acre parcel in Upper Grandview. Access to this parcel will be from a new driveway from South Boulevard. The existing driveway will be removed. Site topography slopes down steeply from west to east toward South Boulevard. The proposed drainage plan includes an onsite storm sewer and swale collection system, a storm water storage/infiltration area and driveway trench drains and drywells.

Revised plans and revised drainage calculations have not been provided with the current Site Plan submittal. Although this Site Plan and the Subdivision Plan for the same parcel are reviewed concurrently, the Planning Board's Drainage Consultant requires separate plans and calculations for each application. In the absence of plans and calculations for this Site Plan, the Drainage Consultant reiterates below its conditions for acceptance for drainage for the subdivision.

- Drawing SP-01 and SP-02 show notes for utility and access easements. However, the utility and access easement note is incorrectly pointing to the utility easement. This must be corrected. Appropriate notes as approved by the Planning Board shall be added to the Site Plan/Subdivision Plan that refers to the easements.
- An enlarged scale detail of the storage/infiltration area has been added to Drawing SP-02. However, it does not show sufficient detail and dimensions to permit proper construction. The calculations are based on a trench 17-ft wide by 109-ft long which does not agree with the plan. Grading contours must be shown on the detail in addition to the extent of the temporary ponding area.
- The calculations indicate that 7,974CF of storage are required to mitigate the increase in runoff from the developed site. The Planning Board Drainage Consultant requires that a minimum of 80 percent of this volume (6,380CF) be storage volume with the balance infiltration volume. The calculation must show how the storage volume is calculated (i.e. it is not a 17-ft by 109-ft trench according to the plan). Detailed calculations must be provided for the ponded storage volume. Percolation tests on the site indicate a percolation rate of 20-min per in. This is equivalent to 1.6 CF/SF/Day not 6.0 ft/day. The calculation on page 2 contains errors that must be revised.

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Continuation of Condition #13....

- The Rockland County Department of Health (RCDOH) must be contacted to determine if a mosquito breeding avoidance plan is needed, and the Applicant shall obtain their approval of such plan if required. A copy of the RCDOH approval letter must be submitted and any requirements must be noted on the Site Plan.
- The driveway cross section has been revised to show curbs on both sides of the driveway. The Drainage Consultant requested that curbs must be provided on the low side of the driveway to direct runoff into the catch basins and ultimately into the storage/infiltration system. Some parts of the driveway have concrete walls that may substitute for curbs. The extent of the proposed curbs must be clearly shown on the plans. A construction detail of the proposed curb must be added to the plan.
- Provide centerline profiles for each section of proposed storm sewer. Show the hydraulic grade line for each length of pipe and the 100-yr water levels at each structure.
- All storm sewers must be designed for a 25-yr storm without surcharging in the pipes or structures. They must also be designed for a 100-yr storm as well. In the 100-yr design, the Drainage Consultant allows surcharging in the pipes and at structures, provided there is a minimum 12" freeboard at all structures (i.e. maximum water level must be a minimum of 12-in below the rim. The calculations must use the appropriate 25-yr or 100-yr high water level in the basin as the tailwater elevation. Minimum storm sewer pipe size shall be 12-in.
- Provide centerline profiles for each proposed swale collection systems.
- Provide calculations for sizing each proposed drainage swale. Construction details of each swale must be added to the plans. The swales shall be designed to convey a 100-yr, 24-hr, Type III storm with a 6-in minimum freeboard.
- Swales must be stabilized so that they do not erode due to high stormwater velocities. Sod will be eroded by the high velocities resulting from the steep slopes and is unacceptable. The slope is shown as 15 percent in the calculations with velocities from 9.18 ft/sec to 15.37 ft/sec. A detail for each proposed swale must be shown on the plans on the plans.

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Continuation of Condition #13....

- Provide a sectional plan view of the Trench Drain Lawn Inlet (CB-6) to scale and show the orientation of all pipes, including the pipe from CB-4. Show the two 36-in pipes entering the catch basin on an angle as per plan. Show the 36-in by 12-in reducer in the plan. The reducer must be an eccentric reducer with the 12-in pipe at the bottom. The length of the 12-in pipe must be shown. As an alternate the 36-in pipe can connect directly to the catch basin.
- Calculations for sizing the drywells have been provided, however the Drainage Consultant requires that the Westchester County Method be used for sizing drywells. The drywells may be required to make up the storage deficiency of the infiltration trench.
- All catch basins (lawn inlets) except CB-6 shall be standard size, 4'-0" by 2'-6" precast concrete structures.
- All trench drains shall discharge to a catch basin. The catch basins for TD-1 and TD-3 that go to a drywell shall have a 24-in deep sump and a catch basin trap to prevent debris from entering the drywell.
- Provide a detail for the manhole at the proposed building on Lot 2. Alternatively, a standard catch basin can be used.

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

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

An updated review must be completed by the Rockland County Highway Department and all required permits obtained.

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.

A detailed note shall be include on the subdivision plat and deeds explaining maintenance responsibilities for utilities and access features in the proposed utility and access easement.

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15. Rockland County Department of Highways reviewed the plans and offers the following comments:

Based upon the information provided, the design as shown will have no foreseeable adverse effect upon County Highways in the area. Rockland County Department of Highways poses no objection to the site plan and subdivision plan as presented.

Rockland County Department of Highways recommends that some type of maintenance program or guarantee, which requires landowners to be held responsible for the proper operation and maintenance of onsite drywell and drainage systems be considered. The filed subdivision map shall clearly indicate the names of the party or parties responsible for the future maintenance and proper operation of the drywells, trench drain, and catch basins that incorporate the onsite and private roadway drainage system.

16. The Rockland County Drainage Agency (RCDA) reviewed this proposal and based on the information provided and maps available to the RCDA, the site has been determined to be 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.

17. The Rockland County Department of Health offered the following comments:

- 1) Verification is to be obtained from the Water Supplier that adequate pressure can be provided to the proposed dwelling. The use of an individual home booster pump is not permissible. Any questions regarding this should be directed to Sam Rulli, P.E. of the Environmental Health Program.
- 2) There is to be a minimum 10-foot separation between the sanitary sewer lateral and domestic water service.
- 3) Cleanouts are to be provided at all bends of the sanitary sewer line at the right of way line.
- 4) 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 RCDOH. No other Rockland County Department of Health approvals are needed for this application.

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**Sapienza Site Plan; Preliminary Site Plan Approval Subject to
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18. United Water New York advised that water service can currently be made available to the proposed 2 lot subdivision, using a project max day demand of 1270 gpd, subject to the following conditions (Willingness to Serve letter):

Prior to the installation of any services or the extension of any mains, hydraulic data pertinent to the project must be provided to United Water New York, for its Engineering Department for review and approval.

If, as a result of such review, it is decided that any extension of mains or pipes or modification of other facilities is required in order to meet the hydraulic needs of the project, those mains or facilities will be installed or extended by the applicant in accordance with the terms and conditions of United Water New York's standard agreements for extensions.

Service will be provided in accordance with the terms and conditions set forth in United Water New York's filed Tariff, as amended or modified from time to time.

Water mains shall be laid in accordance with the Recommended Standards for Water Works (a.k.a. Ten State Standards).

This willingness to serve letter is contingent upon United Water New York, Inc., having County, State and Federal regulatory authorization to provide the requested water service and is valid for nine (9) months from the date of issuance, If the main installation/extension or service installation is not completed and approved by Rockland County Department of Health within nine (9) months from the date this letter is issued, this willingness to serve letter will expire, and it will be necessary for you to request a new willingness to serve letter.

19. The New York/New Jersey Trail Conference reviewed the plans and found the proposed action would have no impact on the Long Path hiking trail.

20. 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 Department of Health
- Rockland County Drainage Agency
- Town of Orangetown Zoning Board of Appeals

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

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

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23. 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.

24. 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.

25. 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.

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26. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
27. 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).
28. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
29. 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
30. 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; Kevin Garvey, aye; Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, 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 28, 2009

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

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

PB #08-59- TOWN OF ORANGETOWN PLANNING BOARD DECISION

**Sapienza Site Plan; Preliminary Site Plan Approval Subject to
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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: **Sapienza 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 at 253 South Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 65.20, Block 1, Lot 7 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

Amendment:

PB #08-59- TOWN OF ORANGETOWN PLANNING BOARD DECISION

**Sapienza Site Plan; Amendment to Preliminary Site Plan Approval Subject to Conditions/Neg. Dec.; Critical Environmental Area
December 14, 2009**

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TO: Damian Holwinski, Dominick Pilla Associates; 23 Depew Avenue;
Nyack, New York 10960
FROM: Orangetown Planning Board

RE: An Amendment to the application of Joseph Sapienza, owner for Prepreliminary/Preliminary Site Plan Review for a site to be known as “**Sapienza Site Plan**”, 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 21 of the Code of the Town of Orangetown. The site is located at 253 South Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 65.20, Block 1, Lot 7 in the R-15 zoning district.

October 28, 2009

The Board received the following communications:

The following shall be **DELETED**:

- 12. Subdivision Plan prepared by Dominic R. Pilla, Associates, P.C., dated August 26 2008, last revision date of September 18, 2009.
- 14. Drainage Calculations prepared by Dominick Pilla Associates, dated September 21, 2009.

The following shall be **INSERTED**:

- 12. Plans prepared by Dominick R. Pilla, Associates, P.C., dated August 26, 2008, last revised September 18, 2009
 - SP-00: Cover Sheet
 - SP-01: Subdivision Plan
 - SP-02: Site Layout and Utility Plan
 - SP-03: Site Slope Analysis, Grading & Erosion Control Plan
 - SP-4: Proposed Driveway Plan
 - SP-5: Driveway Profile and Sections
 - SP-6: Erosion Control Details
 - SP-7: Details
- 14. Drainage Calculations prepared by Dominick R. Pilla Associates, dated September 21, 2009, with attached D-01, Proposed Drainage Plan and D-02: Pre-Development Drainage Plan, prepared by Dominick Pilla Associates.

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

Dated: December 14, 2009

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