

**Meeting of April 11, 2012
TOWN OF ORANGETOWN PLANNING BOARD**

MEMBERS PRESENT: Kevin Garvey, Chairperson; Bruce Bond; William Young; John Foody; Michael Mandel; Jeffrey Golda and Robert Dell

MEMBERS ABSENT: None

ALSO PRESENT: John Giardiello, Director, Department of Building, Zoning, Planning Administration and Enforcement; Robert Magrino, Deputy Town Attorney; Ann Marie Ambrose, Stenographer and Debbie Arbolino, Administrative Aide

Kevin Garvey, 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:

Aalborg Instruments Generator Plan
Prepreliminary/ Preliminary/ Final Site Plan
and SEQRA Review
73.19/1/3; LIO zoning district

Final Site Plan PB #12-12
Approval Subject
to Conditions
Neg. Dec.

Lash Site Plan
Final Site Review
Critical Environmental Area
66.17/1/24; R-22 zoning district.

Final Site Plan PB #12-13
Approval Subject
to Conditions

One Ramland Road Generator Plan
Prepreliminary/ Preliminary/ Final Site Plan
and SEQRA Review
73.20/1/23 & 24; LIO zoning district

Preliminary Site PB #12-14
Plan Approval
Subject to Conditions
Neg. Dec.

The decisions of the March 28, 2012 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Michael Mandel and seconded by William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, aye, Jeffrey Golda, absent; Robert Dell, 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 Bruce Bond and seconded by Michael Mandel and agreed to by all in attendance. The meeting was adjourned at 9:30 p.m. The next Planning Board meeting is scheduled for April 25, 2012.

DATED: April 11, 2012
Town of Orangetown Planning Board

PB #12-12: Aalborg Instruments Generator Final Site Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
April 11, 2012**

TO: T.J. Baan, 3 Cobblestone Drive, Upper Saddle River, New Jersey
FROM: Orangetown Planning Board

RE: Aalborg Instruments Generator Plan: The application of Aalborg Instruments, applicant, for Csilleberc, Inc. owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site known as "Aalborg Instruments Generator Plan", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 20 Corporate Drive, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.19, Block 1, Lot 3 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **April 11, 2012** at which time the Board made the following determinations:

Richard Neely and JJ Baan appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated April 4, 2012.
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 April 11, 2012.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., April 5, 2012.
4. A letter from Rockland County Department of Planning, signed Eileen Miller, Senior Planner, dated March 12, 2012.
5. A letter from Rockland County Department of Highways, signed by Sonny Lin, PE, dated April 10, 2012.
6. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated March 28, 2012.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 13, 2012 and from Gregory Price, P.E., Public Health Engineer, dated March 21, 2012.
8. A Short Environmental Assessment Form signed by Tibor J. Baan, CEO, dated March 8, 2012.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, dated March 21, 2012.
10. Plans prepared by Monsen Engineering Company, dated March 8, 2012;
 - Cover Sheet
 - Site Plan
 - Plumbing Partial Plans
 - Plumbing Riser Diagram
 - Plumbing Specifications
 - Electrical one line Diagram
 - Electrical Partial Plans
 - Electrical Schedules and Details
 - Electrical Symbols and Lists and Abbreviations
 - Electrical General Notes
 - Electrical Specifications
 - Electrical Specifications

11. Specifications for the Generator by Kinsley Power Systems, dated January 27, 2012

The Board reviewed the plan.

Public Comment: Steve Delsavio, 262 Trenton Place, raised concerns regarding the usage of the unit, how often and duration.

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

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

Pursuant to New York Code, Rules & Regulations (NYCRR) Section 617.7, the Town of Orangetown Planning Board, as lead agency, for the reasons articulated in this Board’s analysis of all of the submissions by the applicant, interested

agencies, departments and the public, with respect to this project including the Environmental Assessment Form, which reasons are summarized in the motion, hereby determines that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant’s professional representatives, namely Mosen Engineering Company, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration, Enforcement and the Department of Environmental Management and Engineering and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Highways, Rockland County Department of Health, Rockland County Sewer District No.1 and having reviewed proposed Plans by prepared by Mosen Engineering Company a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

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

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

DECISION: In view of the foregoing and the testimony before the Board, the application was **GRANTED A 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 appear before the Town of Orangetown Zoning Board of Appeals for Performance Standard Review.
4. The proposed generator shall comply with Section 4.18 of Chapter 43, "Zoning." Noise attenuation shall be in accordance with the above code section.
5. Indicate on the Site Plan any screening or fencing being proposed. It is suggested that the applicant may want to fence in the generator.
6. Item number 10 of the Short Environmental Assessment Form shall be answered "Yes" and "Building Permit" shall be listed.
7. The total size of the proposed site disturbance shall be given on the plans.
8. The total amount of the proposed imperious area shall be given on the plans.
9. The Site Plan and the related drawings shall be signed and sealed by a New York State Licensed Professional Engineer.
10. The Rockland County Sanitary Code Article XII, Section 12.6.0 requires applications for any combustion equipment with a heat input of greater than 500,000BTI/hr. It appears that this equipment qualifies as requiring an application submitted. It also appears that the facility may have equipment already installed that requires Certificates to operate their processes.
11. The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.

12. 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 Highways
- Town of Orangetown Zoning Board of Appeals
- Rockland County Sewer District #1
- Rockland County Department of Health

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

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

15. 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 $\frac{3}{4}$ 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.

16. 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.

17. 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.

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

19. 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).

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

21. 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

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

23. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.

24. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.

The foregoing Resolution was made and moved by Bruce Bond, seconded by William Young and carried as follows: Bruce Bond, aye; Michael Mandel, 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: April 11, 2012
Town of Orangetown Planning Board
Attachment

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

PB #12-12: Aalborg Instruments Generator Final Site Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
April 11, 2012**

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: Aalborg Instruments Generator

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Final Site Plan Review

LOCATION: The site is located at 20 Corporate Drive, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.19, Block 1, Lot 3 in the LIO zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

**PB #12-13: Lash Site Plan – Final Site Plan Approval Subject to Conditions-
Critical Environmental Area**

**Town of Orangetown Planning Board Decision
April 11, 2011**

TO: Allan Lash, 260 South Boulevard, Upper Grandview, New York
FROM: Orangetown Planning Board

RE: Lash Site Plan: The application of Allan Lash, owner, for Final Site Plan review, at a site located in the Critical Environmental Area, known as “**Lash 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 260 South Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 66.17, Block 1, Lot 24, in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held, **Wednesday, April 11, 2011**, at which time the Board made the following determinations:

Allan Lash appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated April 4, 2012.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated April 11, 2012.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated April 5, 2012.
4. A letter from Brooker Engineering, signed by Kenneth DeGennario, P.E., dated April 3, 2011.
5. Plans prepared by Allan H. Lash, P.E., dated July 27, 2011, revised December 8, 2011:
 - Sheet 1: Site Plans
 - Sheet 2: Site Plans- 2
6. Copies of Board Decisions: ZBA #12-13, Side Yard, Total Side Yard and Building Height Variances Approved, dated March 7, 2012 and PB #11-60, Preliminary Site Plan Approval Subject to Conditions, dated December 14, 2012. 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 William Young and second by Bruce Bond and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; John Foody, 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. 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 relevant conditions of previous Board conditions: ZBA #12-13, Side Yard, Total Side Yard and Building Height Variances Approved, dated March 7, 2012 and PB #11-60, Preliminary Site Plan Approval Subject to Conditions, dated December 14, 2012.
4. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans prior to signing the final plans.
5. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
6. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.
7. The "Bulk Use Table" has the existing Floor Area Ratio (FAR) less than the proposed FAR. Please correct.
8. The page and liber or instrument number, as well as ownership for the existing 15 foot wide sewer easement shall be given on the plans.
9. As drainage consultant to the Town of Orangetown Planning Board, Brooker Engineering, recommends that since the overall site disturbance does not require post construction stormwater detention and water quality as per local and State regulations, it is recommended that the Lash Site Plan be approved for drainage with conditions subject to the following Comment:

Project Comment:

1. The footing drain and roof leader pipes have been added to the plan as requested in the last report dated December 4, 2011. On the Site Protection Plan (Drawing 2), these pipes shall be shown as two independent pipes with independent outlets. A note shall be added to the plan, "the roof leaders and foundation pipes shall be constructed as two pipes with two independent outlets. "
- 10. 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 $\frac{3}{4}$ 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.

11. 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.

12. 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.

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

14. 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).

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

16. 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

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

The foregoing Resolution was made and moved by Bruce Bond and second by William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, aye;

Michael Mandel, 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: April 11, 2012

Town of Orangetown Planning Board

attachment

PB #12-14: One Ramland Road Generators and Chillers – Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
April 11, 2012**

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

RE: One Ramland Road Instruments Generators and Chillers Plan: The application of Ramland Holding LLC, applicant, for Chesapeake Holdings Orangeburg LLC, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site known as “One Ramland Road Generators and Chillers Plan”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 1 Ramland Road, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.20, Block 1, Lot 24 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **April 11, 2012** at which time the Board made the following determinations:

Donald Brenner, Jay Greenwell and Patrick Hynes appeared and testified for the applicant

The Board received the following communications:

1. Project Review Committee Report dated April 4, 2012.
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 April 11, 2012.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., April 5, 2012.
4. Letters from Rockland County Department of Planning, signed Thomas B. Vanderbeek, P.E., Commissioner of Planning, dated April 9, 2012.
5. Letters from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated April 9 & 10, 2012.
6. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael B. Bettmann, Chief, dated April 4, 2012.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 21, 2012 and from Gregory Price, P.E., Public Health Engineer, dated March 21, 2012.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, dated March 21, 2012.

9. A letter from the New York State Department of Environmental Conservation, signed by Lee Kassin, dated March 28, 2012.
10. A Short Environmental Assessment Form signed by Patrick Hynes, undated.
11. Preliminary Site Development Plan prepared by Jay Greenwell, PLS dated February 10, 2012, revised March 12, 2012.

The Board reviewed the plan.

Public Comment: Steve Delsavio, 262 Trenton Place; questioned the need for diesel fuel and why Orange and Rockland could not supply enough natural gas for the operation of the generators. Mr. Delsavio wanted to know the time of operation of the chillers. He requested that the applicant submit a sound report.

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

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

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant’s professional representatives, namely Jay Greenwell, PLS, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration, Enforcement and the Department of Environmental Management and Engineering and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Department of Health, New York State Department of Department of Environmental Conservation and having reviewed Plans prepared by Jay Greenwell, PLS a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

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

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant is proposing multiple generators and chillers. The cumulative effect of these proposed structures shall be reviewed by the Planning Board.
4. The total number of chillers and the total number of generators shall be disclosed, including any installations.
5. The type of generators shall be disclosed and the specifications provided for review. The same information shall be provided for the chillers. The type and location of fuel sources shall be shown on the Site Plan.
6. An erosion control plan shall be provided.
7. The generator will require Performance Standard review by the Town of Orangetown Zoning Board of Appeals.
8. The proposed equipment shall comply with Section 4.18 of Chapter 43, "Zoning". Noise attenuation shall be in accordance with the above code section.
9. The type and height of the proposed fencing shall be labeled on the Site Plan.
10. Item number 10 of the Short Environmental Assessment Form shall have "Building Permit" listed as one of the approvals.

- 11.** The total size of the proposed site disturbance shall be given on the Site Plan.
- 12.** The total amount of the proposed imperious area shall be given on the plans.
- 13.** 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 Department of Highways and all required permits obtained from that agency.
 - There shall be no net increase in stormwater runoff from the site.
 - Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.
 - The fire zones must be clearly marked on the site plan. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.
 - A review shall be completed by Orange and Rockland Utility Company and any concerns addressed.
 - It appears that there will be no changes to the signage for traffic circulation and to the site lighting. If there will be changes, updated plans shall be provided that meet all Town requirements regarding signage and lighting.
 - Section 12.6.3.3 of the County of Rockland's Sanitary Codes states that new fuel burning equipment installations or modifications to existing fuel burning equipments installations that have an input capacity of less than 500,000 BTU per hour are excepted from the provisions of Subsection 12.6.1 of this Article. If the proposed generators have input capacity of more than 500,000 BTU per hour, a review must be completed by the County of Rockland Department of Health and all requirement permits obtained from them.
- The Rockland County Department of Planning requests the opportunity to review any variances that may be requested from the Town of Orangetown Zoning Board of Appeals in order to implement the revised Site Plan, as required by New York State General Municipal Law, Section 239-m, (a)(v).
- 14.** The Rockland County Department of Highway reviewed the proposed action and has determined that the installation of generators at this location should have a de-minimus impact upon county roads in the area.
- 15.** A Rockland county Highway Department Work Permit will be required for the proposed site improvements, and must be secured prior to the start of any excavation or construction on site.
- 16.** This project requires a proposed underground electrical service and temporary utility access off Blaisdell Road. A 30 foot wide drainage easement will have to be traversed adjacent to Federal Wetlands, and the sidewalk along Blaisdell Road may be disturbed. The drainage ditch along the east side of Blaisdell Road must be restored in kind or improved so that a positive flow of water may continue in this area. The applicant shall b e responsible to install and maintain adequate soil and control devices during construction as required.
- 17.** The Rockland County Health Department advises the applicant that the Rockland County Sanitary Code Article XII, Section 12.6.0, requires applications for any combustion equipment with a heat input of greater than 500,000 BTU/hr.
- 18.** The Bureau of Fire Prevention offered the following conditions, to be noted on the Site Plan:
- a)** At the main entrance gate, the applicant shall install a key box for access keys,
 - b)** The road around the generators shall be 20 feet wide for Fire Truck access and stabilized to support emergency equipment, and
 - c)** Gas meter(s) shall be protected from damage.

19. 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 Highways
- Rockland County Health Department
- Town of Orangetown Zoning Board of Appeals
- New York State Department of Environmental Conservation

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

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

22. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.

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.

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.

31. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.

Override

The Board made a motion to override Condition #5 of the April 9, 2012 letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, Commissioner of Planning, for the following reasons:

#5. An updated landscaping plan that meets all Town requirements shall be submitted for review.

The Board held that the site had sufficient vegetation, however, if necessary, the applicant would landscape the site.

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

The foregoing Resolution was made and moved by Bruce Bond and seconded by William Young and carried as follows: Bruce Bond, aye; Michael Mandel, aye;

William Young, aye; John Foody, aye; Robert Dell, nay; Jeffrey Golda, aye and Kevin Garvey, aye.

Minority Opinion – Board Member Robert Dell: There was not sufficient documentation to make a determination about the noise levels and the abatement proposal.

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: April 11, 2012

Town of Orangetown Planning Board

Attachment

State Environmental Quality Review Regulations

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

PB #12-14: One Ramland Road Generators and Chillers - Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

April 11, 2012

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: One Ramland Road Generators and Chillers

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Preliminary Site Plan Approval Subject to Conditions

LOCATION: The site is located at 1 Ramland Road, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.20, Block 1, Lot 24 in the LIO 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