

**Meeting of December 12, 2012  
Town of Orangetown Planning Board**

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

**MEMBERS ABSENT:** None

**ALSO PRESENT:** John Giardiello, Director, Office of Building, Zoning, Planning  
Administration and Enforcement, Rick Pakola, Deputy Town Attorney;  
Ann Marie Ambrose, Stenographer, and Cheryl Coopersmith, Chief Clerk

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:

**New Items:**

**Brightview Tappan Site Plan**  
Consultation  
77.07/2/1; LO zoning district

**Consultation PB #12-52**

**Columcille Site Plan**  
Prepreliminary/ Preliminary Site Plan  
and SEQRA Review  
8.09/1/26 & 27; LO zoning district

**Preliminary Site PB #12- 53**  
**Plan Subject to**  
**Conditions/ Neg. Dec.**

**One Ramland Road Site Plan**  
**Amendment**  
**to the Approved Site Plan**  
Prepreliminary/ Preliminary  
Site Plan Review  
73.20/1/23 & 24; LIO zoning district

**Continued: PB #12-54**  
**Needs Drainage**

The decisions of the November 28, 2012 Planning Board Meeting were reviewed,  
edited and approved. The motion for adoption was made and moved by Robert  
Dell and seconded by William Young and carried as follows: John Foody, aye;  
Kevin Garvey, aye, Jeffrey Golda, aye, Robert Dell, aye; Bruce Bond, aye;  
Michael Mandel, 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 William Young and seconded by Jeffrey Golda  
and agreed to by all in attendance. The meeting was adjourned 9:15 p.m. The  
next Planning Board meeting is scheduled for Wednesday, January 23, 2013.

**DATED: December 12, 2012**  
**Town of Orangetown Planning Board**

-----

**PB #12-52: Brightview Tappan: Consultation**

**Town of Orangetown Planning Board  
December 12, 2012**

**TO: David Steinmetz, Zarin & Steinmetz, 81 Main Street, Suite #415,  
White Plains, New York 10601**  
**FROM: Orangetown Planning Board**

**RE:** Brightview Tappan: The application of Brightview /Shelter Group applicant, for Laurence Kuperschmid, owner, for Consultation, at a site to be known as "Brightview Tappan", 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 115 Route 303, at the intersection of Route 303 and Kings Highway, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.07, Block 2, Lot 1 in the LO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, December 12, 2012**, the Board made the following determinations:

Brad Schwartz, Diego Villareale, Ted Wies and Joseph Modafferi appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated December 5, 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 December 12, 2012.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., December 5, 2012.
4. A letter from Zarin & Steinmetz, Attorneys at Law, signed by David Steinmetz, dated November 29, 2012.
5. Presented at the meeting, proposed Site Plan of the project site and Architectural schematic of the Structure.

**FINDINGS OF FACT:**

1. The Board found that the applicant proposed a senior living facility, with a mixture of assisted and independent living units. The proposed structure would be three stories, consisting of 175 living units at a total square footage of 165,000. The site would have significant landscaping and retain a considerable amount of the existing vegetative buffer.
2. The Board found that the 55,000 square foot footprint of the new building would be less than the existing structure on the site, which has a footprint of 84,000 square feet. In designing the project, the applicant tried to contain the proposed development within the existing impervious area on the site.
3. The Board found that the applicant proposed to access the site from Route 303 and Kings Highway. The majority of the parking would be on the side and rear of the building.
4. The Board found that the proposed development has a lower generation of vehicle trips as compared to the present warehouse use: If the existing warehouse was fully occupied, it would have 77 vehicle trips during the peak a.m. hours and 88 in the peak p.m. hours, while the proposed use of assisted living would have 33 trips a.m. peak and 47 trips p.m. peak.

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

**Dated: December 12, 2012**  
**Town of Orangetown Planning Board**

---

**PB #12-53: Columcille Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision**  
**December 12, 2012**

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

RE: Columcille Site Plan: The application of Columcille Properties, owner, for Prepreliminary/ Preliminary Site Plan Review (Donald Brenner, Attorney for the owner), for an expansion to an existing building, at a site known as "Columcille 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 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 348 Route 9W, Palisades, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 78.09, Block 1, Lots 26 & 27 in the LO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **December 12, 2012** at which time the Board made the following determinations:

Donald Brenner and Peter Skae appeared and testified for the applicant. The Board received the following communications:

1. Project Review Committee Report dated December 5, 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 December 12, 2012.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., December 5, 2012.
4. A letter from Rockland County Department of Planning, signed Thomas B. Vanderbeek, P.E., Commissioner of Planning, dated December 6, 2012.
5. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated November 16, 2012.
6. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated December 4, 2012.
7. A letter from Rockland County Department of Highway, signed by Joseph Arena, dated December 12, 2012.

**PB #12-53: Columcille Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision**  
**December 12, 2012**

8. A letter from the New York State Department of Transportation, signed by Ursus A. Idosu, MBA, P.E., PTOE, SEQRA / HWP Unit, dated November 28, 2012,
9. A letter from William Mowerson, Chairman, Town of Orangetown Zoning Board of Appeals, dated November 21, 2012.
10. A Short Environmental Assessment Form, signed by Donald Brenner, dated November 13, 2012.
11. Site Plan prepared by Anthony Russo, P.E., dated October 9, 2012.
12. Architectural Schematics prepared by Anthony Russo, P.E., dated October 9, 2012:
  - SK-1: Existing and Proposed Elevations
  - SK-2: Existing & Proposed Renderings

The Board reviewed the plan.

There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Bruce Bond and second by William Young 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.

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 John Foody 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, 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 Site Plan prepared by Anthony Russo, P.E., dated October 9, 2012, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Department of Highways, Rockland County Sewer District No.1, New York State Department of Transportation, and having reviewed a Plan by prepared by, Anthony Russo, P.E., dated October 9, 2012, 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: Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, aye; Robert Dell, aye; John Foody, aye; William Young, aye; and Jeffrey Golda, 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 Short Environmental Assessment Form appears to be in order.
4. The applicant shall make application to the Town of Orangetown Architecture and Community Appearance Board of Review for review and approval of the plans.
5. The Short Environmental Impact Statement appears to be in order.
6. The building modification shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
7. The Site Plan shall be signed and sealed by the Professional Engineer.
8. The instrument number (page and liber) as well as ownership of all existing easements shall be given on the Site Plan.
9. The parking areas/ driveway areas shall be redesigned so that they will not lead directly into the proposed addition.
10. Soil erosion and sediment control plans and details shall be submitted to DEME for review and approval.

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

- A review shall be completed by the New York State Department of Transportation and all required permits obtained.
- A review shall be completed by the Palisades Interstate Park Commission and their comments considered.
- A review shall be completed by the County of Rockland Department of Health 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 Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- A landscaping plan shall be submitted for review.
- All existing and proposed signage shall be indicated on the Site Plan and shall conform to the municipality's sign standards.
- A lighting plan shall be provided that shows fields of illumination. Lighting shall not shine beyond the property line or into any State highway.

**12.** The Rockland County Department of Health (RCDOH) reviewed the plans and found that this site is served by an existing subsurface disposal system. RCDOH records show that the system was designed to accommodate 85 employees. The anticipated number of employees under this application is 86, a de minimis increase. Based on the information provided, there are no Rockland County Department of Health approvals needed for this application.

**13.** 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.

**14.** The New York State Department of Transportation (NYSDOT) reviewed the plans and found that all proposed work within the NYSDOT Right of Way requires a Highway Work Permit (HWP). Note that any proposed work or proposed work or modification to the existing property plan, use or traffic operations may necessitate an updated access review for the proposed project. Contact Mary Jo Russo, Rockland County Permit Field Engineer to initiate the review process.

**15.** The correct number of parking spaces shall be shown on the Site Plan.

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

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

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

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

**19.** 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.

**20. 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.

**21.** 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.

**22.** 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.

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

**24.** 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).

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

**26.** 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

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

The foregoing Resolution was made and moved by Bruce Bond and seconded by William Young and carried as follows: 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: December 12, 2012**  
**Town of Orangetown Planning Board**  
-----

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

**PB #12-53: Columcille Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision**  
**December 12, 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: Columcille Site Plan: Preliminary Site Plan Approval Subject to Conditions**

SEQR STATUS: Type I \_\_\_\_\_ Unlisted XXXXXX  
CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX

**DESCRIPTION OF ACTION: Site Plan Review**

LOCATION: The site is located at 348 Route 9W, Palisades, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 78.09, Block 1, Lots 26 & 27 in the LO 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 development. 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

---