

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

MEMBERS PRESENT: Kevin Garvey, Chairperson; Bruce Bond; William Young; John Foody; 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; Richard 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:

Continued item from October 12, 2011:

**37 Ramland Road Wireless
Telecommunications Facilities**
Plan and Special Permit
Prepreliminary/Preliminary Site Plan,
Special Permit
and SEQRA Review
76.08/1/6; LIO zoning district

**Continued to
January 25th
Meeting**

PB #11-22

New Items:

929 Route 9W Tree Remediation Plan
Prepreliminary/ Preliminary/ Final
and SEQRA Review
Critical Environmental Area
71.13/1/12; R-22 zoning district

**Final Site Plan
Approval Subject to
Conditions/ Neg. Dec.**

PB #12-01

The decisions of the December 14, 2011 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Kevin Garvey and seconded by Bruce Bond and carried as follows: Kevin Garvey, aye; Bruce Bond, aye, Jeffrey Golda, aye; Robert Dell, abstain; 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 Jeffrey Golda and seconded by William Young and agreed to by all in attendance. The meeting was adjourned at 10:00 p.m. The next Planning Board meeting is scheduled for January 25, 2012.

**DATED: January 11, 2012
Town of Orangetown Planning Board**

P B #12-01: 929 Route 9W Tree Remediation Plan – Final Approval Subject to Conditions- Critical Environmental Area

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

TO: Eugene Kohn, 929 Route 9W, Upper Grandview New York, 10960
FROM: Orangetown Planning Board

RE: 929 Route 9W Tree Remediation Plan: The application of Eugene Kohn, owner, for Prepreliminary/ Preliminary/ Final Tree Remediation Plan review, at a site located in the Critical Environmental Area, known as “**929 Route 9W Tree Remediation 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 929 Route 9W, Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 71.13, Block 1, Lot 12, in the R-22 zoning district.

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

Eugene Kohn appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated January 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 January 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 January 4, 2012.
4. Letters from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, Commissioner of Planning, dated January 5, 2012.
5. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated January 11, 2012.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated January 9, 2012.
7. Letters from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, signed by Janet Swentwsky, dated December 14, 2011.
8. A Short Environmental Assessment Form, dated November 21, 2011, signed by Eugene Kohn.
9. A letter from Eugene Kohn, dated December 8, 2011, with attachments and photographs of the project site.
10. A letter from Hudson Valley Landscape & Tree Service, Inc., signed by Robert Helmke and Edwin Ewald, N.J. Certified Arborist, dated December 1, 2011.

The hearing was then opened to the Public. There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Bruce Bond and second by William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, 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 William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, 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 Robert Helmke and Edwin Ewald, N.J. Certified Arborist, 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 Planning, Rockland County Department of Highways, Rockland County Department of Health, and New York State Department of Environmental Conservation, and having reviewed a proposed Tree Remediation Plan, 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 John Foody and carried as follows: Kevin Garvey, aye; Bruce Bond, 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 FINAL TREE REMEDIATION PLAN APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant shall contact the Town of Orangetown Building's Department prior to any work on the project site. In addition, 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 had removed 3 trees and is proposing to remove 2 additional Beech trees. As a remediation, the applicant shall plant 3 Japanese Maple trees in the area of the Beech trees. Each tree shall be a minimum of 8 to 10 feet in height.

4. The Short Environmental Assessment Form, items 5, 6, 7, 8, 9, 10,1, and 12, needs to be completed.

5. Based on the information provided there are no Rockland County Health Department approvals needed for this application.

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

1) The Village of Grand View-on Hudson is one of the reasons this proposal was referred to Rockland County Department of Planning for review. The municipal boundary is directly adjacent to the subject property on its eastern edge and the subject property slopes in an easterly direction towards the village boundary. The property adjacent to the subject property at its eastern boundary is Hader Park, which is linear and the location of a hiking trail. New York State General Municipal Law states that the purposes of Section 239-1, 239-m and 239-n of the law shall be to bring pertinent intercommunity and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominate land uses, population density, and the relation between residential and nonresidential area. In addition, Section 239-nn was recently enacted to encourage the coordination of land use development and regulation among adjacent municipalities, so that, as a result, development occurs in a manner that is supportive of the goals and objections of the general area. The Village of Grand View –on-Hudson must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Village of Grandview –on-Hudson must be considered and satisfactorily addressed, as well as any additional concerns about the tree remediation plan.

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

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

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; 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: January 11, 2012
Town of Orangetown Planning Board

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

P B #12-01: 929 Route 9W Tree Remediation Plan – Final Approval Subject to Conditions- Critical Environmental Area

Town of Orangetown Planning Board Decision
January 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: 929 Route 9W Tree Remediation Plan

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

DESCRIPTION OF ACTION: Tree Remediation Plan Review– Critical Environmental Area

LOCATION: The site is located at 929 Route 9W, Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 71.13, Block 1, Lot 12, in the R-22 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

The project will not have a significant impact upon the environment and a DEIS need not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels or existing external traffic

patterns. In addition, it will have no impact upon the aesthetic, agricultural or cultural resources of the neighborhood. No vegetation, fauna or wildlife species will be affected as a result of this proposed 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