

**Meeting of June 13, 2012**  
**TOWN OF ORANGETOWN PLANNING BOARD**

**MEMBERS PRESENT:** Kevin Garvey, Chairperson; William Young; John Foody; Michael Mandel and Jeffrey Golda

**MEMBERS ABSENT:** Robert Dell and Bruce Bond

**ALSO PRESENT:** John Giardiello, Director, Office of Building, Zoning, Planning Administration and Enforcement, Robert Magrino, 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:**

<b>Chromalloy New York Turnstile Site Plan</b> Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review 73.20/1/1; LIO zoning district	<b>Final Site Plan</b> <b>Approval</b> <b>Subject to Conditions</b> <b>Neg. Dec.</b>	<b>PB #12-26</b>
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<b>Parseghian Site Plan</b> Reaffirmation of Final Site Plan Approval Prepreliminary/ Preliminary/Final Site Plan and SEQRA Review 70.10/3/18; CC zoning district.	<b>Preliminary</b> <b>Site Plan Approval</b> <b>Subject to Conditions</b> <b>Neg. Dec.</b>	<b>PB #12-27</b>
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<b>Orangeburg Commons Mixed Use</b> <b>Plan with Food Market Site Plan</b> Final Amendment to the Approved Site Plan 74.15/1/21; LI zoning district	<b>Final Site Plan</b> <b>Approval</b> <b>Subject to Conditions</b>	<b>PB #12-28</b>
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The decisions of the May 9, 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: John Foody, aye; Kevin Garvey, aye, Jeffrey Golda, aye, Robert Dell, absent; Bruce Bond, absent; Michael Mandel, aye and William Young, aye.

The decisions of the May 23, 2012 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Jeffrey Golda and seconded by William Young and carried as follows: John Foody, aye; Kevin Garvey, aye, Jeffrey Golda, aye, Robert Dell, absent; Bruce Bond, absent; 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 John Foody and seconded by Jeffrey Golda and agreed to by all in attendance. The meeting was adjourned at 9:40 p.m. The next Planning Board meeting is scheduled for June 27, 2012.

**DATED: June 13, 2012**  
**Town of Orangetown Planning Board**

**P B #12-26: Chromalloy New York Turnstile Site Plan – Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision  
June 13, 2012**

**TO: Ronald Panicucci, Lan Associates, 445 Godwin Avenue, Midland Park, New Jersey 07432**

**FROM: Orangetown Planning Board**

**RE: Chromalloy New York – Employee Entrance Turnstile Site Plan:** The application of Chromalloy New York, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review, at a site known as “**Chromalloy New York – Employee Entrance Turnstile 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 330 Blaisdell Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.20, Block 1, Lot 1 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held, **Wednesday, June 13, 2012** at which time the Board made the following determinations:

Ronald Panicucci and Scott Lucas appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated June 6, 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 June 13, 2012.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 7, 2012.
4. Letters from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, Commissioner of Planning, dated June 8, 2012.
5. Letters from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated June 4, 2012.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 3, 2012.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated May 7, 2012.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated May 2, 2012.
9. Short Environmental Assessment Form, dated April 23, 2011, signed Scott Lucas.
10. A letter/ Project Narrative from Lan Associates, signed by Ronald Panicucci, P.E., dated April 19, 2012.
11. Plans prepared by Lan Associates, dated March 19, 2012, with an attached Site Plan noting location of proposed improvement.
12. Submitted at the meeting by the applicant, an aerial photograph of the site.

**Public Comment:** Fong Lee, 278 Brandywine Drive, Orangeburg; stated that the noise level is very high and requested that the applicant place acoustical curtains around the machines.

A motion was made to close the Public Hearing portion of the meeting by

William Young and second by Michael Mandel and carried as follows: Kevin Garvey, aye; Bruce Bond, absent; William Young, aye; Robert Dell, absent; John Foody, aye, Michael Mandel, 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 William Young and seconded by John Foody and carried as follows: Kevin Garvey, aye; Bruce Bond, absent; William Young, aye; Robert Dell, absent; John Foody, aye; Michael Mandel, 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 Lan Associates, 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 Highways, Rockland County Sewer District #1, Rockland County Department of Planning, and having reviewed the Plan by prepared by Lan Associates, 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 William Young and seconded by Jeffrey Golda and carried as follows: Kevin Garvey, aye; Bruce Bond, absent; Robert Dell, absent;

John Foody, aye; William Young, aye; Michael Mandel, 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 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 proposed turnstile is for employee use and is within an existing exit area.
4. The proposed project is a minor internal change and shall not require an review by the Town of Orangetown Architecture and Community Appearance Board of Review.
5. The Short Environmental Assessment Form appears to be in order.
6. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
  - a. A review shall be completed by the Rockland County Highway Department and all required permits obtained.
7. The Rockland County Department of Highways reviewed the material provided and found the proposed action will have no foreseeable adverse impact upon the County Highway System.
8. 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.
9. The Rockland County Health Department reviewed the information provided, and found there are no Rockland County Health Department approvals needed for this application.
10. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans prior to signing the final plans.
11. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
12. 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.

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

- Town of Orangetown Zoning Board of Appeals
- Rockland County Department of Highways
- Rockland County Sewer District #1
- Rockland County Department of Planning

**14. TREE PROTECTION:** The following note shall be placed on the Site Plan: The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:

- 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.

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

**16.** Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.

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

**18.** If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall

investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).

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

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

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

### **Override**

The Board made a motion to override Condition #2 of the June 8, 2012 letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning, for the following reasons:

"2. A site plan that meets all Town requirements, including a bulk table and parking calculations, must be provided. Since the site plan provided on 11" x 17" paper does not appear to be to scale, the scale of the site plan should be confirmed."

The Board held that a Site Plan is not necessary since the project is a minor compared to the overall site and consists of a minor internal change.

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

The foregoing Resolution was made and moved by William Young and seconded by John Foody and carried as follows: Kevin Garvey, aye; Bruce Bond, absent; William Young, aye; John Foody, aye; Michael Mandel, aye; Robert Dell, absent 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: June 13, 2012**

**Town of Orangetown Planning Board**

attachment

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

**Town of Orangetown Planning Board Decision  
June 13, 2012**

**Chromalloy New York Turnstile Site Plan –Final Site Plan Approval Subject to Conditions**

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: Chromalloy New York Turnstile Site Plan**

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

**DESCRIPTION OF ACTION: Site Plan Review**

**LOCATION:** The site is located at 330 Blaisdell Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.20, Block 1, Lot 1 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 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

**P B #12-27: Parseghian Site Plan - Preliminary Site Plan Approval Subject to Conditions and Reaffirmation of SEQRA**

**Town of Orangetown Planning Board Decision  
June 13, 2012**

TO: Joseph Caruso, Maser Consulting, 777 Chestnut Ridge Road, Suite 202, Chestnut Ridge, New York 10977-6218  
FROM: Orangetown Planning Board

RE: Parseghian Site Plan: The application of Masis Parseghian, applicant, for, Parseghian Four, owner, for Reaffirmation of Final Site Plan Approval - Prepreliminary/ Preliminary/ Final Site Plan Review, at a site known as "**Parseghian 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 594 Route 303, Blauvelt, Town of Orangetown, Rockland County, and as shown on the Orangetown Tax Map as Section 70.10, Block 3, Lot 18 in the CC zoning district

Heard by the Planning Board of the Town of Orangetown at a meeting held **June 13, 2012**, at which time the Board made the following determinations:

Joseph Caruso, Eric Gordon and Wayne Klingman appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated June 6, 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 June 13, 2012.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated June 7, 2012.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated June 5, 2012, with attachments.
5. Letters from the Rockland County Department of Planning, signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning, dated May 25 and June 5, 2012.
6. Letters from the Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated May 22, 2012.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 3, 2012.
8. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated May 7, 2010.
9. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated May 29, 2012.
10. A letter from the New York State Department of Transportation, signed by Ursus A. Idosu, MBA, PE., PTOE, SEQRA/ HWP Unit, dated May 17, 2012.
11. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, Rockland County Permit Engineer, dated June 12, 2012.
12. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated May 2, 2012.
13. Short Environmental Assessment Form signed by Masis Parseghian, Dated April 27, 2012.
14. Preliminary Plans prepared by Maser Consulting, dated March 20, 2012:

Sheet 1 of 8: Layout & Dimensions Plan  
Sheet 2 of 8: Grading, Drainage & Utility Plan  
Sheet 3 of 8: Erosion & Sediment Control Plan  
Sheet 4 of 8: Erosion & Sediment Control Details  
Sheet 5 of 8: Construction Details  
Sheet 6 of 8: Landscaping Plan  
Sheet 7 of 8: Lighting Plan  
Sheet 8 of 8: Landscaping Details

15. Engineer's Report for Proposed Sewer System: Parseghian Shopping Center, prepared by Maser Consulting, dated April 2012.
16. Drainage and Hydrology Report, Component of the Storm Water Pollution Prevention Plan (SWPPP): Parseghian Shopping Center, prepared by Maser Consulting, dated April 2012.
17. Narrative Summary Parseghian Shopping Center, dated April 13, 2012, prepared by Maser Consulting.
18. Preliminary Stormwater Narrative Parseghian Shopping Center, prepared by Maser Consulting.
19. Copies of prior Board Decisions: PB #10-07, Consultation, dated February 11, 2010, PB #90-15, Final Site Plan Approval Subject to Conditions, dated February 14, 1990, ACABOR #89-53, Approved with Conditions, dated July 27, 1989, and PB #89-32, Preliminary Site Plan Approval Subject to Conditions, dated March 8, 1989.

The Board reviewed the Site Plan.

### **REAFFIRMATION OF SEQRA**

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 John Foody and second by William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, absent; William Young, aye; Robert Dell, absent; John Foody, aye, Michael Mandel, 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 Michael Mandel and seconded by William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, absent; William Young, aye; Robert Dell, absent; John Foody, aye; Michael Mandel, 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 Maser Consulting, 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 Highways, Rockland County Sewer District #1, Rockland County Drainage Agency and New York State Department of Transportation and Rockland County Department of Planning, and having reviewed a Site Plan by prepared by Maser Consulting, 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 William Young and seconded by John Foody and carried as follows: Kevin Garvey, aye; Bruce Bond, absent; Robert Dell, absent; John Foody, aye; William Young, aye; Michael Mandel, 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 Site Plan was approved on August 27, 1990; however the building and improvements were never constructed. The applicant wishes to reaffirm the Site Plan approved, however, the following items need to be addressed:
  - a. SEQRA will need to be re-done.
  - b. The zone district, LIO, has not changed since the former approval with the exception of the Route 303 Overlay Zone Requirements. Therefore, the following variances need to be sought from the Town of Orangetown Zoning Board of Appeals, as discussed at the Consultation Meeting:

(1) A 25 foot vegetated buffer is required and a 12 foot landscaped berm is shown on the property to the designated street line. An additional 12.5 feet of landscaped berm is shown between the designated street line and right of way line and this area is considered part of the required front yard. (Section 13.10,B., (2)).

(2) Not more than 35% of all parking shall be located within the front yard of any lot or parcel and 100% is shown on the Site Plan. (Section 12.10, B.(10) ).

(3) Connections between abutting parking lots shall be provided and note are shown on the Site Plan, (Section 13.10,B. (11) ).

**4.** No curb cut is to be permitted within one –hundred – fifty (150) foot distance from any other curb cut on any single parcel, or assemblage of contiguous parcels, or on any parcel which has been subdivided after the effective date hereof, unless approved by special permit of the Town of Orangetown Town Board. (Section 13.10, B. (11)).

**5.** The above ground detention basin requires Town of Orangetown Planning Board approval.

**6.** A review of the existing property file reveals that the property was filled in 1992. The fill material was questionable and it is unclear whether this matter was resolved. Please provide documentation to the Planning Board that this matter was resolved.

**7.** The Short Environmental Assessment form needs to be dated.

**8.** The supplied SWPPP is under review by DEME, a full SWPPP must be supplied for this site plan.

**9.** A post construction storm water maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to DEME and the Town of Orangetown Town Attorney's Office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc.

**10.** The sanitary calculations are under review by DEME. However, the plans and building plans shall clearly indicate that water –saving plumbing fixtures shall be installed throughout the building. Also, the calculations shall be sealed by a New York State Licensed Professional Engineers.

**11.** The soil erosion and sediment control plans and details are under review by DEME.

**12.** The applicant is advised that the Town of Orangetown has a new F.). G.(Fat, Oil and Grease) program, which must be complied. The applicant shall contact the Town's F.O.G. Coordinator to determine is this criteria is applicable.

**13.** The proposed sanitary main shall be easemented to the Town of Orangetown Sewer Department, as well as an ingress and egress easement. Metes and bounds shall be provided. The easements shall be submitted to DEME and the Town Attorney's Office for review and approval in substance and form.

**14.** The manhole detail (Sheet 5 of 8) shall reflect a Campbell Foundry model #1012b frame cover with cover detail.

**15.** Manhole frame cover with details (including Town name and date) shall be included on the drawings.

**16.** A profile for the proposed connection to the existing sanitary sewer manhole shall be added to the plans.

**17.** The page and liber, as well as ownership, for all existing easements/dedications shall be given on the plans.

**18.** The Drainage Consultant to the Planning Board reviewed the submitted information and found that in their opinion, that the increases in stormwater runoff can be successfully mitigated for this project. The Consultant therefore recommends that the Parseghian Shopping Center Site Plan be approved for drainage subject to the above Project Comments.

**(1)** The drainage report should subdivide the drainage basin for the subarea that enters the detention basin and the subarea that bypasses the detention basin. The subarea hydrograph that enters the detention basin should be routed accordingly.

**(2)** More information should be provided for the breakdown of existing and proposed conditions surface cover and curve numbers. A curve number of 100 for the permanent pool of the detention basin shall be utilized. The Consultant's site observation showed a densely vegetated woods/field. The curve numbers for existing conditions are too high and overestimate peak runoff rates leaving the site for the existing conditions property.

**(3)** The detention basin outlet pipe discharges to an existing berm that will have to be excavated to allow stormwater to pass through the berm and enter the railroad swale/pond. The plan shall show this area in more detail and shall show no grading off the property. If grading off the property is required, permission or a construction easement from the neighbor shall be obtained.

**(4)** The flared end section at the southwest corner of the property has an invert elevation of 123.0; the existing grade just beyond (downstream) the outlet is elevation 126.0. The plan shall demonstrate that the property to the south will not have stormwater runoff diverted to the property.

**(5)** It appears no basement or crawl space is proposed for the new building. If no basement/crawl space is proposed, the site plan shall note this. If a basement/crawl space is proposed, the elevations shall be listed and a foundation drain added.

**(6)** The drainage report shall show calculations for Channel Protection Volume and Water Quality Volume over the permanent pool elevation. The top of the berm separating the forebays from the main pool is the same elevation as the permanent pool; additional volume shall be provided within the forebays over the permanent pool elevations as per NYSDEC requirements.

**(7)** A note shall be added to the Site Plan, "Retaining Wall along the detention basin shall be designed and certified by a licensed Professional Engineer." The design shall include vehicular surcharges.

**(8)** The elevations on the Pond Outlet Structure Detail contain discrepancies between the Elevation and Section views and the Grading and Utility Plan. These shall be coordinated. The weir contained in the Drainage Report shall be added to the detail. A trash rack shall be supplied to prevent clogging of the low flow outlet.

**(9)** An evaluation of the site shall be made regarding the presence of wetlands.

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

**(1)** The concerns expressed in the February 9, 2010 letter from the New York State Department of Transportation (NYSDOT) shall be addressed and an updated review shall be obtained. All permits required from the NYSDOT shall be obtained.

**(2)** The Town shall be assured that the Site Plan complies with all applicable portions of the Route 303 Overlay Zone.

**(3)** As stated in our reviews of the previously approved site plan, the applicant shall obtain the review and approval from CSX rail company for the proposed drainage entering their right of way.

**(4)** A landscaping plan must incorporate the requirements of the Route 303 Overlay Zone and also assure that the lights of parked vehicles along Route 303 will be screened either by (a) a berm and/ or landscaping 2 ½ - 3 feet high, or (b) by lowering the first level of parking to provide the same degree of screening.

**(5)** There shall be no net increase in stormwater runoff from the site.

**(6)** The lighting plan shall be revised to demonstrate that there will be no light spillage within the State highway right of way.

**(7)** Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages and County with an adequate supply of water. A letter from the public water supplier, stamped and sealed by a NYS licensed professional engineer, shall be issued to the municipality for this project, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

**(8)** If any public water supply improvements are required, engineering plans and specification for these improvements shall be reviewed by the Rockland County Department of Health, prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

**(9)** It appears that federal wetlands may have been mapped on the site. If this is the case, a review shall be completed by the United States Army Corps of Engineers and all required permits obtained.

**(10)** A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (August 2010) and local ordinances.

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

**(12)** The fire department connections shall be designated on the Site Plan and kept clear for easy access by the emergency response vehicles.

**(13)** Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the New York State Guidelines for Urban Erosion and Sediment Control.

**(14)** The Rockland County Department of Planning requests the opportunity to review any variances that may be requested to implement the revised subdivision plan, as required by New York State General Municipal Law, Section 239 – m (3)(a)(v).

**20.** Rockland County Department of Highways found the proposed project as submitted shall have a de minimis impact to county roads in the area.

**21.** Rockland County Health Department (RCDOH) reviewed the plans and found that it must approved plans for sewage disposal system per Article IV, Section 4.2.1. of the Rockland County Sanitary Code. Formal application is to be made to RCDOH. The applicant's Engineer shall contact Scott McKane, Senior Public Health Engineer for submission requirements.

**22.** An application is to be made to the Rockland County Department of Health for review of the storm water management system for compliance with the County Mosquito Code.

**23.** 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.

**24.** The Town of Orangetown Fire Prevention Bureau had the following comments, which shall be placed on the Site Plan as notes:

In regard to the 10,640 square foot building with multiple tenants, the following is offered:

- An NPPA 13 compliant Fire Sprinkler system inspected annually according to NFPA 25 shall be installed, with a 4" Storz connection and Orangetown code FDC sign.
- Install and maintain an NFPA 72 compliant Fire Alarm System connected to Rockland County 44-Control with 2 copper dedicated phone lines and transmitted in contact ID Format, with Orangetown code amber and red strobes.
- Any cooking facilities to be protected with an NFPA 96 compliant Class I vapor hood and UL 300 extinguishing system.
- Install and maintain portable fire extinguishers as required by NFPA 10.
- Show on Site Plan and maintain Fire Lane/Fire Zone signage and striping and show all signage and markings on the final approved Site Plan. Maintain striping and signage as required in the New York State Property Maintenance Code.
- The Town of Orangetown Fire Prevention Bureau requires review and approval of the proposed fire sprinkler plan, Fire Department connection location and the fire alarm plans before construction begins.

**25.** Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is not required based upon its review of the information provided. However, the site appears to be located in close proximity to the 100 year floodplain of the Sparkill Creek, and may ultimately impact the floodplain of the Sparkill Creek, a County regulated stream. In that regard, and as an interested and involved

agency pursuant to SEQRA, and the RCDA offers the following comments:

- (1)** In accordance with section 6.1.3 of the New York State Stormwater Management Design Manual (NYSSMDM), a fixed vertical sediment depth marker should be installed in the forebay to measure sediment deposition over time. Please indicate a fixed vertical sediment depth marker in the forebay of the stormwater pond.
- (2)** In accordance with section 6.1.6 of the NYSSMDM, the maintenance access should extend to the forebay, safety each, riser and outlet and be designed to allow vehicles to turn around. However, the project drawings do not indicate maintenance access to the outlet structure. Please review and revise the design as necessary.
- (3)** In accordance with section 6.1.6 of the NYSSMDM, the low flow orifice should be adequately protected from clogging by either an acceptable external trash rack or by internal orifice protection that may allow for smaller diameters. However, the project drawings do not indicate the required orifice protection. Please review and revise the drawings as necessary to demonstrate that the low flow orifice would be adequately protected from clogging.
- (4)** The "Drainage and Hydrology Report" indicates that the proposed pond is a Pocket Pond, P-5. Pocket Pond does not require a pond drain as the groundwater table is above the bottom of the pond. However, it shall have a permanent pool and therefore an aquatic bench. The drawings and details do not indicate that the pond has a permanent pool and an aquatic bench. The site grading and/ or the Report do not indicate that the ground water table is above the invert elevation of the proposed pond. In addition, a temporary sediment basin with invert elevation of 120, same as P-5 pond, is shown on the Erosion and Sediment Control Plan. Temporary sediment basins are not allowed at or below the water table to protect the groundwater. Please review and revise the pond type and design as necessary to indicate a pond drain that can completely or partially drain the pond, as per section 6.1.6 of the NYSSMDM, if the ground water table at the pond location is above the pond bottom elevation 120. Otherwise, please review and revise the Pocket Pond design to include the required wet pool and aquatic bench, as per NYSSMDM.

**26.** The New York State Department of Transportation (NYSDOT) has received a copy of the site plans last revised March 20, 2012 and hydraulic report dated April 2012 and associated SEQRA documentation. The drainage study is currently being reviewed. The site plans have been reviewed to ensure they meet standards and correspond to the design of the proposed NYSDOT project in the vicinity of the Route 3043 and Erie Street. Please review to the following comments:

- (1)** Both the existing and proposed direction of the adjacent stream is unclear.
- (2)** There are discrepancies between the existing grades shown in the 1989 plans and those shown in the current plans. It will need to be verified that the drainage study is based on the original grade of the land as shown in the 1989 approved permit plans.
- (3)** The roadside drainage south of the stream shall be maintained in a roadside grass swale and shall not be diverted toward the railroad tracks. All onsite drainage including the driveway shall be diverted to the retention basin.

**(4)** The sidewalk shall be moved back toward the designed street line and shall continue north behind the turn around to the property line. This will allow for roadside drainage.

**(5)** The curb radii shall be shown on the plans. As the proposed NYSDOT curbing may not be completed prior to the development of this property, a 6 foot tapered end section shall be shown on each side of the driveway curb. There shall be a 5 foot offset from the end of the curb to the property line.

**(6)** The plans shall reference the nearest highway mile marker.

**(7)** The neighboring driveway shall be shown on the plans.

**(8)** The plans shall include details meeting NYSDOT standards for curb, curb end section, sidewalk and pavement.

**(9)** The sidewalk detail shown on the plans has 4 inches of subbase. This shall be changed to 6 inches.

**27.** All proposed work within the New York State Department of Transportation (NYSDOT) right of way requires a Highway Work Permit (HWP). A detailed engineering review is necessary and required for insurance of a HWP. Please note that any proposed changes to the existing property plan, use, or traffic operations may necessitate an updated access configuration for the proposed project.

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

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

**30. 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.

**31.** 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.

**32.** 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.

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

**34.** 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).

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

**36.** 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

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

**38.** 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 Drainage Agency
- Town of Orangetown Zoning Board of Appeals
- New York State Department of Transportation
- Rockland County Sewer District #1

**39.** 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 William Young and seconded by Michael Mandel and carried as follows: Kevin Garvey, aye; Bruce Bond, absent; William Young, aye; John Foody, aye; Michael Mandel, aye; Robert Dell, absent 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: June 13, 2012**

**Town of Orangetown Planning Board**

attachment

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

**P B #12-27: Parseghian Site Plan - Preliminary Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision  
June 13, 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: Parseghian Site Plan**

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

**DESCRIPTION OF ACTION: Site Plan Review**

**LOCATION:** The site is located at 594 Route 303, Blauvelt, Town of Orangetown, Rockland County, and as shown on the Orangetown Tax Map as Section 70.10, Block 3, Lot 18 in the CC 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

**PB #12-28: Orangeburg Commons: Final Site Plan Approval of the Amendment to the Approved Site Plan Subject to Conditions**

**Town of Orangetown Planning Board Decision  
June 13, 2012**

TO: Fred Doneit, Turner Miller Group, 2 Executive Boulevard, #108,  
Suffern, New York 10901  
FROM: Orangetown Planning Board

RE: Orangeburg Commons Amendment to Approved Site Plan: The application of Orangetown FB, LLC c/o RD Management, owner, for Final Review of an Amendment to the Approved Site Plan, at a site to be known as "**Orangeburg Commons Amendment to Approved 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 on the south side of Stevens Way, 100 feet west of the intersection of Route 303, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.15, Block 1, Lot 21 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, June 13, 2012**, the Board made the following determinations:

Geraldine Tortorella, John Collins, Fred Doneit, Al Rossi, Nick Daniel Burns, and Pratik Dasai appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated June 6, 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 June 13, 2012.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 8, 2012.
4. A letter from HDR, signed by Michael Murphy, P.E., Vice President, dated April 24, 2012, with an attachment.
5. A letter from the Rockland County Department of Planning, signed by Thomas Vanderbeek, Commissioner of Planning, dated June 5, 2012.
6. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 24, 2012.
7. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated May 22, 2012.
8. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated June 8, 2012.
9. A letter from W. Scott Wheatley dated June 13, 2012.
10. A copy of a letter to John Giardiello, P.E., Director, Town of Orangetown, from FB Orangetown LLC, dated June 13, 2012.
11. A letter from Turner Miller Group signed by Fred W. Doneit, Principal Planner/GIS Specialist, dated May 11, 2012, with attachments.
12. A copy of a letter from John Collins Engineers, dated March 28, 2012, with attachments.
13. Plans prepared by Leonard Jackson Associates, dated February 1, 2012, revised February 9, 2012, unless noted:  
Drawing # 1: Title Sheet  
Drawing #2: Layout Plan  
Drawing #2A: Layout Plan (Part Plan A)  
Drawing #2B: Layout Plan (Part Plan B)

Drawing #3: Grading, Drainage & Utility Plan  
Drawing #3A: Grading, Drainage & Utility Plan (Part Plan A)  
Drawing #3B: Grading, Drainage & Utility Plan (Part Plan B)  
Drawing #4: Erosion & Sediment Control Plan  
Drawing #4A: Erosion & Sediment Control Plan (Part Plan A)  
Drawing #4B: Erosion & Sediment Control Plan (Part Plan B)  
Drawing #5: Overall Landscaping Plan  
Drawing #5A: Landscaping Plan (Part Plan A)  
Drawing #5B: Landscaping Plan (Part Plan B), dated April 8, 2006  
Drawing #5C: Landscaping Sections Rt. 303, dated March 9, 2012  
Drawing #5D: Landscaping Sections PIP, dated March 9, 2012  
Drawing #6: Overall Lighting Plan  
Drawing #6A: Lighting Plan (Part Plan A)  
Drawing #6B: Lighting Plan (Part Plan B)  
Drawing #7: Construction Details (1 of 4)  
Drawing #8: Construction Details (2 of 4)  
Drawing #9: Construction Details (3 of 4)  
Drawing #10: Construction Details (4 of 4)  
Drawing #11: Stormwater Pollution Prevention and Construction Phasing  
Drawing #11A: Stormwater Pollution Prevention Details, revised April 18, 2012

Drawing #12A: Storm Profiles (1 of 3)  
Drawing #12B: Storm Profiles (2 of 3), revised March 27, 2012  
Drawing #12C: Storm Profiles (3 of 3), revised March 27, 2012  
Drawing #14: Sanitary Profiles, dated March 7, 2012  
Drawing #15: Wall Profiles  
Drawing #16: Snow Management Plan, revised March 27, 2012  
Drawing #17: Typical Site Cap Sections  
Drawing #18: Site Cross Section Location Plan, revised March 9, 2012  
Drawing #18A: site/Building Cross Sections, revised May 9, 2012  
Drawing #19: Site Cap Plan, revised May 9, 2012  
Drawing #20: Construction Staging Area Plan, dated April 10, 2012, revised May 9, 2012

- Existing Conditions Survey, January 27, 2012  
-05L343-19: Subsurface Investigation, June 30, 2005

- Topographic updated survey of property for Orangeburg Commons, prepared by Jay Greenwell, PLS, dated January 27, 2012.

14. Copies of previous Board Decisions: ACABOR #12-20, Approved with Conditions, dated May 3, 2012; PB #12-07, Preliminary Site Plan Approval to the Amendment to the Approved Site Plan Subject to Conditions, dated March 14, 2012; PB #08-30, Denied Requests and Amended Final Decision and Recommendation to Town Board to Establish Performance Bond, dated May 14, 2008; PB #07-19, Final Site Plan Approval Subject to Conditions, dated February 28, 2007; ACABOR #06-70, Approved Subject to Conditions, dated December 5, 2006 and PB #06-41, Preliminary Site Plan Approval Subject to Conditions, dated November 8, 2006.

**Public Comment:**

Scott Wheatley, 38 Lexington Road, Tappan: suggested alternate routes to ease Traffic in the vicinity of the proposed development.

Gail Raffale, 112 Lafayette Avenue Tappan: raised concerns regarding New York State Department of Transportation's involvement in the determination of Town decision making.

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

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

1. The applicant shall comply with all applicable previous Board Decisions: ACABOR #12-20, Approved with Conditions, dated May 3, 2012; PB #12-07, Preliminary Site Plan Approval to the Amendment to the Approved Site Plan Subject to Conditions, dated March 14, 2012; PB #08-30, Denied Requests and Amended Final Decision and Recommendation to Town Board to Establish Performance Bond, dated May 14, 2008, PB #07-19, Final Site Plan Approval Subject to Conditions, dated February 28, 2007, ACABOR #06-70, Approved Subject to Conditions, dated December 5, 2006 and PB #06-41, Preliminary Site Plan Approval Subject to Conditions, dated November 8, 2006.

2. The following note shall be placed on the Site Plan": At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."

3. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations

4. The revised Stormwater Pollution Prevention Plan is acceptable. Formal approval will be sent under separate cover to the applicant's engineer.

5. The revised sanitary calculations provided, dated April 26, 2012 are acceptable.

6. The drainage calculations that were submitted, last updated April 17, 2012 are acceptable.

7. All of DEME's previous comments and recommendations have been addressed/ satisfied.

8. The Drainage Consultant to the Planning Board for this project HDR, reviewed the plans and provided drainage reports and recommended acceptance for drainage with conditions, and provided the following comments:

1. According to the calculations provided in Appendix A of the SWPPP, the Post Development time of concentration (Tc) is four minutes longer than the Pre-Development time of concentration. It is anticipated that the introduction of impervious area and stormwater piping would decrease the Tc for the Post-development condition, not increase the Tc.

The 2008 SWPPP showed a decrease in the Tc from the Pre-Development condition (5.5 minutes) to the Post-Development Condition (5.0 minutes). Please explain the derivation of the Tc.

2. The Existing Conditions Impervious area has changed from 3.8 acres (2008 SWPPP) to 1.5 acres (2012 SWPPP). However, the existing conditions plans do not seem to have changed from 2008 to 2012. Please explain how these impervious areas were obtained.

3. Comments #1 and #2 above highlight significant changes in the existing conditions from 2008 to 2012. What changes, if any have taken place at the site since 2008 to describe such a change in the existing condition analysis (e.g. Tc, impervious area, etc.)?

4. As discussed during the meeting on April 12, 2012, there are two drainage pipes that outlet at Headwall #50 (HS50), a 42" pipe from CI 40, and 24" pipe from CI 41. It is recommended that another headwall be constructed for the 24" pipe from CI 41. If the applicant intends to keep the drainage configuration as currently shown, the "Headwall Detail" on Sheet 8 will need to be updated to accurately reflect how the wall be constructed as shown on Sheet 3 on the plans set.

5. Sheet 9 – Orifice Detail – The plan shows a small 1.8" x 1.8" orifice with a centerline elevation of 72.08, however the drainage calculations call for a 3" diameter orifice at a centerline elevation of 72.13. The orifice detail shall be revised to reflect the calculations provided.

6. The applicant shall provide a description of ALL of the long-term maintenance requirements to be carried out after the completion of construction (e.g. catch basins, drainage piping, end sections, etc.) in the plan set and also in the SWPPP. Only the maintenance details for the detention basin have been provided (see Sheet 9 and Appendix B of SWPPP).

7. Sheet 9 – Outlet Structure #61 Detail. There is a Contact Name and phone number below the Maintenance Schedule. This is the exact same information that was provided in the previous site plan in 2008. Please confirm whether this information is still correct.

8. Sheet 9 – Outlet Structure #61 Detail. This structure is now labeled as OS #67 on Sheet 3 of the site plan. The detail on Sheet 9 shall be revised to indicate the correct structure number. Also, the Trash Rack Detail makes reference to OS #61. This shall also be revised.

9. Sheet 9 – Outlet Structure #61 Detail. This detail shows this structure draining toward "DMH#5" on the detail; however on Sheet 3 of the plans, it is shown draining to DMH #68. This shall be revised on the plans.

10. General Comment – Comments #5 and #6 above were the only instances where there appeared to be structures that were not labeled correctly. However, the applicant shall check and make sure that all structures are properly cross-referenced between the site plans, details, profiles and SWPPP.

In conclusion, the applicant's engineer has provided a very detailed site plan and SWPPP submittal. However, there are several comments that require some further discussion and / or revision to the plans. The Planning Board's Drainage Consultant's major concerns are as follows:

1. According to the calculations provided in Appendix A of the SWPPP, the Post Development time of concentration (Tc) is four minutes longer than Pre-Development time of concentration. Please explain the derivation of the Tc.
2. The Existing Conditions Impervious area has changed from 3.8 acres (2008 SWPPP) to 1.15 acres (2012 SWPPP), while the existing conditions plans do not seem to have changed from 2008 to 2012. Please explain how these impervious areas were obtained.
3. What changes, if any have taken place at the site since 2008 to describe such a change in the existing conditions analysis (e.g. Tc, impervious area, etc.)?
4. There are several instances within the plan set where it appears the numbering of the drainage structures does not match with the numbering

provided in the details. The applicant should ensure continuity between the structure labeling on the plans and the details/ profiles.

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

- a.** It is the understanding of the Rockland County Department of Planning that the proposed arrangement of public buses coming into Stevens Way, using the turn around, and using the bus stop at a bus shelter is acceptable to the Rockland County Department of Public Transportation. The pad for the shelter shall be provided by the applicant and the shelter structure will be provided by the County of Rockland.
- b.** As discussed at the October 30, 2006 meeting with the applicant's representatives and as required in the previous Site Plan approval by the Town Planning Board on February 28, 2007, the applicant must provide a landscaped, bermed area or elevated walled area planted with sufficient vegetation at the south end of the site to better buffer visual impacts of the development, as seen from the Palisades Instate Parkway (PIPC). It is the understanding of the Rockland County Department of Planning that the PIPC has accepted the revised concept plan.
- c.** There shall be no net increase in peak rate of discharge from the site at all design points.
- d.** 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.
- e.** An updated review shall be obtained from the Rockland County Highway Department shall be addressed and any required permits obtained.
- f.** Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages and County with an adequate supply of water. We understand that a letter from the public water supplier, stamped and sealed by a NYS licensed professional engineer has been previously issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation, and that there is no net change in the demand.
- g.** If any public water supply improvements are required, engineering plans and specification for these improvements shall be reviewed by the Rockland County Department of Health, prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.
- h.** Public sewer mains requiring extensions within a right of way or an easement shall be reviewed and approved by Rockland County Department of Health prior to construction.
- i.** Generally, mixed use developments are considered to be of superior design if they are planned as an integrated whole, such as is required by the Town's new law regarding mixed use developments. In order to achieve such a superior design, we recommend that the plan for Orangeburg Commons include a single architectural, landscaping and

signage them, with specific elements that will unite and integrate the design within the site and in relation to the surrounding context of the site. This would include re-use of colors, building materials, forms, details and plants throughout the site to unify the design.

- j. The use of earth tone colors for building exteriors and signs will help to blend the site into the natural surroundings and is recommended.
- k. The structure located to the west and adjacent to the subject property is identified in the book Pre-Revolutionary Dutch Houses and Families of Northern New Jersey and Southern New York as the Abram Lent house c. 1752. The site development plans and landscaping plans for the subject property should enhance and protect this historic structure and its setting. Appropriately designed landscaping buffers could serve as one way to protect this house from noise, glare, etc.

10. The Rockland County Department of Health (RDDOH), Environmental Health Program, reviewed the plans and provided the following comments:

- a. RCDOH Environmental Health Program must approve plans for the private portion and the public portion of the sanitary sewage system. A separate application form (SAN – 5) is to be submitted for each.
- b. RCDOH Environmental Health Office is in the process of evaluation whether this sub-metered distribution system needs to be regulated under Subpart 5-1 of the New York State Sanitary Code.

11. The Rockland County Drainage Agency (RCDA) has previously reviewed the site and advised the Town of Orangetown Planning by, by letter dated June 5, 2006, that the proposed activity at 170 Route 303, Orangeburg is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is not required for this project. However, the proposed activity is in close proximity to the 100 year floodplain of the Sparkill Creek, and may site ultimately impact the floodplain of the Sparkill Creek, a County regulated stream. Any future decisions made or rendered by the land use boards should reflect the fact that the RCDA is an interested and involved agency pursuant to SEQRA and that the RCDA has specific concerns with respect to the potential environmental impacts concerning the Sparkill Creek and affected floodplains.

12. The Town of Orangetown Fire Prevention Bureau had the following comments:

**FOR THE PROPOSED STOP AND SHOP:**

- Install an NFPA 13 compliant sprinkler system, with plans submitted and approved before construction starts.
- Install and maintain an NFPA 72 Compliant Fire Alarm System, with plans submitted and approved before construction starts and connected to Rockland County 44 –Control, with Amber and Red strobes, as per Orangetown Code.
- Provide Portable Fire Extinguishers as per NFPA 10.
- The Fire sprinkler system and private hydrants shall be maintained according to NFPA 25.
- Provide emergency lighting as per NEC.
- Provide details on emergency generator.
- Apply for and maintain Certificate of Compliance Fire Safety with the Bureau of Fire Prevention.
- Show No Parking/ fire Zones and signage on Final Approved Site Plan.

**FOR THE 124 ROOM HOTEL:**

- Install an NFPA 13 compliant sprinkler system, with plans submitted and approved before construction starts.
- Install and maintain an NFPA 72 Compliant Fire Alarm System, with plans submitted and approved before construction starts and connected to Rockland County 44 –Control, with Amber and Red strobes, as per Orangetown Code.

- Provide Portable Fire Extinguishers as per NFPA 10.
- The Fire sprinkler system and private hydrants shall be maintained according to NFPA 25.
- Provide emergency lighting as per NEC.
- Provide Carbon Monoxide Detectors as per New York State Codes
- Apply for and maintain Certificate of Compliance Fire Safety with Safety with the Bureau of Fire Prevention.

The Bureau of Fire Prevention reserves the right to comment on the proposed Bank and Restaurant. The applicant shall place Bollards to protect the Hotel Building from cars driving into it. There have been about 6 incidents of cars driving into building from parking spaces in the last year. Any parking spaces that drive up to a building shall be protected from vehicle impact.

**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:

- No construction equipment shall be parked under the tree canopy.
- There will be no excavation or stockpiling of earth underneath the trees.
- Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- 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.

**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, and signs and refuse control.

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

**24.** The applicant shall comply with all requirements and conditions of the Amended Special Permit Approval granted by the Orangetown Town Board on March 7, 2012 by Town Board Resolution 2012-92.

**25.** 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.

### **Overrides**

The Board made a motion to override Conditions #1, #3, #7 and #8 of the June 11, 2012 letter from Rockland County Department of Planning, signed by Thomas Vanderbeek, Commissioner of Planning, for the following reasons:

#### **Condition #1:**

"It is our understanding that a May 22, 2012 traffic study evaluating the one-way option at Highview Avenue was provided to the Town and New York State Department of Transportation. A copy of the study shall be provided to this department and the Rockland County Highway Department for review."

The Board held that the applicant must provide a copy of the study to the Rockland County Department of Planning and Rockland County Highway

Department. Any review by these agencies will be independent of this Board's approval herein.

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

**Condition #3:**

"We request that consideration be given to the potential for a minimum of 50 designated shared parking spaces near Route 303 to serve as a park and ride lot. (The Town Board Special Permit Approval, in Resolution 658, p. 18, required that, prior to site plan approval, the applicant consult with the Rockland County Department of Public Transportation to address this potential.)"

The Board held as in the original proposal, that there would be no shared parking in the parking facility with commuter parking.

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

**Overrides**

**Condition #7:**

"The plans submitted show a 27' high, 18' wide pylon sign. As we previously expressed, we feel that such a sign will be massive and would dominate the frontage along Route 303, as well as potentially set precedent for others to also request large, oversized signs. One of the arguments previously made for allowing such a large sign was to advertise the retail stores within the development. Since the multiple retail stores have been removed and replaced with one food market, an oversized sign is not needed.

The Town's law governing mixed use developments states that signs will comply with the Table of General Use Regulations for uses permitted in the LI District except that the total sign area shall not exceed 60 square feet, and the illumination portion shall not exceed 30 square feet." The Town's signage standards for mixed use developments seem reasonable and we recommend that signage be limited to that which is permitted by the Town Code."

The Board held that the proposed Sign is satisfactory as presented to the Planning Board.

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

**Condition #8:**

"The concerns expressed in the March 19, 2012 and June 9, 2012 letters from the New York State Department of Transportation shall be addressed and all required permits obtained."

The Board held that the applicant agreed to complete the pedestrian improvements at the intersection at Routes 303 and 340, which are a condition of this approval in lieu of other improvements that were recommended closer to the site, these improvements must be installed by the applicant and approved by NYSDOT prior to the issuance of a Certificate of Occupancy for any buildings on

the subject premises. The applicant shall also submit the drainage study to NYSDOT.

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

**B) Performance Bond**

<u>ITEM</u>	<u>COST</u>
Commercial Street	\$ 419,050.00
Curbing	59,850.00
Sidewalk	22,050.00
Handicap curb ramps	8,000.00
Driveway Openings	12,200.00
Traffic Signals	150,000.00
Street Signs	6,500.00
Monuments	4,200.00
Iron Pins	450.00
As-Built drawings	10,800.00
Storm Drainage	100,445.00
Soil Erosion and Sediment Control	178,900.00
Sanitary Sewers	3,800.00
<b><u>Sub-Total</u></b>	<b><u>\$ 976,245.00</u></b>
<b>Administrative</b>	
<b>Close-Out (10% of Sub-Total)</b>	<b>\$ 97,624.50</b>
<b><u>Total Bond =</u></b>	<b><u>\$ 1,073,869.50</u></b>

**Inspection Fee (3% of Sub Total) \$ 29,287.35**

To be submitted to DEME prior to onset of construction.

Further, all bonds are to conform to current Town of Orangetown regulations.

All public improvements and items set forth above must be completed no later than June 13, 2014, which shall be the term of the Performance Bond.

Notwithstanding the foregoing, the Performance Bond must remain in effect until its recommended release by the Planning Board and Town Board. In addition, failure to complete or submit any of the items set forth above shall be considered a violation of Town Code §21A-9 as set form in condition #25 of Final Site Plan Approval, as well as a violation or failure to adhere to the requirements of the Performance Bond conditions.

The foregoing Resolution was made and moved by William Young and seconded by John Foody and carried as follows: Kevin Garvey, aye; Bruce Bond, absent; William Young, aye; John Foody, aye; Robert Dell, absent; Michael Mandel, 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: June 13, 2012**

**Town of Orangetown Planning Board**