

**Meeting of June 27, 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; 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:

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| <b>Pearl River School District Subdivision Plan</b><br>Final Subdivision Plan Review<br>68.11/2/41.1; R-15 zoning district | <b>Postponed<br/>to July 18<sup>th</sup> Meeting</b> | <b>PB #12-29</b> |
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| <b>Blazedale Site Plan</b><br>VLJ Realty, LLC – Outdoor Storage Plan<br>Prepreliminary/ Preliminary Site Plan<br>and SEQRA Review<br>76.08/1/1; LIO zoning district | <b>Continued:<br/>Reviewing<br/>Comments</b> | <b>PB #12-30</b> |
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| <b>Dipietrantonio Minor Subdivision Plan</b><br>Reapproval of Final Subdivision Plan<br>Approval - PB #07-26, dated<br>March 14, 2007, Reapproval - PB#09-53,<br>Dated September 30, 2009,<br>Reaffirmation of SEQRA and Extension of the<br>Term of the Performance Bond<br>69.14/2/5; R-15 zoning district. | <b>Reapproval of<br/>Final Subdivision<br/>Plan and<br/>Reaffirmation of<br/>SEQRA</b> | <b>PB #12-31</b> |
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The decision of the June 13, 2012 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Michael Mandel and seconded by Jeffrey Golda 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.

**Other Business:** The Board reviewed a request for emergency repair from Gail Roshong, Section 71.17, Block 1, Lot 8, located on Route 9W, Upper Grandview. The project involves new pressure treated railroad tie crib walls at the upper parking area off Route 9W. The existing retaining wall supporting this parking area is currently in a state of partial failure. A number of ties have deteriorated to the point where the wall is structurally deficient. The Board reviewed the information provided and determined that the applicant may move ahead with Emergency Repairs on the site. At a later date, the applicant must appear in front of the Planning Board for review and approval of the plans.

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 7:55 p.m. The next Planning Board meeting is scheduled for July 18, 2012.

**DATED: June 27, 2012**  
**Town of Orangetown Planning Board**

**PB #12-31: DiPietrantonio Subdivision Plan; Reapproval of the Final Subdivision Plan Approval, Reaffirmation of SEQRA and Recommendation to the Town Board to Establish Value and Term of the Performance Bond**

**Town of Orangetown Planning Board Decision**

**June 27, 2012**

TO: Donald Brenner; 4 Independence Avenue; Tappan,  
New York 10983  
FROM: Orangetown Planning Board

RE: The application of Antonio DiPietrantonio, owner for Reapproval of Final Subdivision Approval, PB #07-26, dated March 14, 2007 and PB #09-53, dated September 30, 2009, Reaffirmation of SEQRA and Recommendation to the Town Board to Establish Value and Term of the Performance Bond, for a proposed three lot subdivision, to be known as “**DiPietrantonio Minor Subdivision Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the code of the Town of Orangetown. The site is located at Blauvelt Road, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 69.14, Block 2, Lot 5 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, June 27, 2012**, at which time the Board made the following determinations:

Donald Brenner appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated June 20, 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 27, 2012.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 21, 2012 & July 22, 2009.
4. A letter signed by Harvey Goldberg, HDR, dated February 26, 2008.
5. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael B. Bettmann, Chief, dated June 14, 2012.
6. Copies of the following Board Decisions: PB #09-53, Reapproval of Final Approval and Recommendation to the Town Board to Establish the Value and Term of the Performance Bond, dated September 30, 2009; PB #07-26, Final Approval Subject to Conditions, dated March 14, 2007; ZBA #06-07, Variances Approved with Conditions, dated September 20, 2006; ACABOR #07-07, Approved Subject to Conditions, dated February 6, 2007, and PB #05-72, Preliminary Subdivision Approval Subject to Conditions/ Neg. Dec., dated May 10, 2006.
7. Subdivision Plans prepared by Schoor Depalma and William Youngblood Land Surveying:
  - 1 of 9: Title Sheet, dated 3/17/05 rev. 4/02/09
  - 2 of 9: Existing Conditions and Demolition Plan, dated 2/28/05 rev. 4/02/09
  - 3 of 9: Site Plan, dated 2/28/05 rev. 12/ 01/07
  - 4 of 9: Utility Plan & Profiles, dated 3/01/05 rev. 4/02/09

- 5 of 9: Grading and Erosion Control Plan, dated 3/01/05 rev. 4/02/09
  - 6 of 9: Detail Sheet 1 of 2, dated 2/28/05 rev. 4/02/09
  - 7 of 9: Detail Sheet 2 of 2, dated 2/28/05 rev. 12/01/07
  - 8 of 9: Culvert – Plan, Profile and Sections, dated 3/15/06 rev. 12/01/07
8. Subdivision Plan prepared by William Youngblood Land Surveying, PC, dated November 15, 2006, revised June 8, 2012.

The Board reviewed the plan.

**Public Comments:**

Mary Monahan, 632 Blauvelt Road, Pearl River: raised concerns regarding Zoning Board of Appeals, ZBA #06-07, placed upon the applicant to install a Check Valve on her property.

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

**1. Reaffirmation of SEQRA:**

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 Jeffrey Golda and carried as follows: Bruce Bond, absent, Michael Mandel, aye, William Young, aye, Robert Dell, absent, John Foody, aye, Jeffrey Golda, aye and Kevin Garvey, aye; the Board **reaffirmed** its Declaration as Lead Agency.

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

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

On motion by William Young and seconded by Michael Mandel and carried as follows: Bruce Bond, absent, Michael Mandel, aye, Robert Dell, absent, John Foody, aye, William Young, aye, Jeffrey Golda, aye and Kevin Garvey, aye; the Board **reaffirmed** its Negative Declaration.

**2. Reapproval of Final Approval Subject to Conditions PB #07-26:**

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

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

2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

3. The applicant shall comply with all previous applicable Board Conditions: PB #07-26, Final Approval Subject to Conditions, dated March 14, 2007, ACABOR #07-07, Approved Subject to Conditions, dated February 6, 2007, ZBA #06-07, Approved with Conditions, dated September 20, 2006 and PB #05-72, Preliminary Approval Subject to Conditions, dated May 10, 2006.

4. In regards to ZBA #06-07, dated September 20, 2006; the condition requiring the installation of a check valve on the existing sanitary house connection for #632 Blauvelt Road, the applicant, its successors and assigns, shall be responsible for installation and maintenance, repair and replacement of the check valve when necessary. A note with this requirement shall be added to the plans. The involved parties shall also enter into an agreement in regards to the maintenance of the check value. That document shall be subject to review and approval in the substance and form by the Town of Orangetown Town Attorneys Office prior to the signing of the map. The document shall be filed with the County Clerks Office at the applicant's expense. Proof shall be provided to the Clerk upon filing of the Subdivision Plat.

5. Prior to stamping the Subdivision Plat, the applicant shall appear in front of the Town of Orangetown Zoning Board of Appeals and Reaffirm ZBA #06-07, Approved with Conditions, dated September 20, 2006.

6. The Town of Orangetown Bureau of Fire Prevention reviewed the plans and requires the following to be placed as notes or/ improvements on the Site Plan:

1) The proposed fire hydrant will be installed on Blauvelt Road at the north west corner of the proposed driveway entrance.

2) The width of the proposed common driveway must be 20 feet from curb to curb (measured inside of the curb), to allow for sufficient emergency vehicle access.

3) The proposed common driveway must be capable of supporting a vehicle up to 75,000 lbs. in weight.

4) The existing bridge must comply with the above item #3 and the following:

Bridges and elevations surfaces: Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO Standard Specification for Highway Bridges. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both

entrances to bridges when required by the Code Enforcement Official.

5) The proposed common driveway shall be designated as a Fire Lane and signs shall be installed to indicate such.

6) The grade for the common driveway shall not exceed 10 percent, so as not to interfere with emergency vehicle access.

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

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

9. 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 §21. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Subdivision Plan Approval pursuant to Town Code §21 and §6A.

### 3. Performance Bond:

**RECOMMENDATION:** In view of the foregoing, the Board RECOMMENDS TO THE TOWN OF ORANGETOWN TOWN BOARD that the value of the Performance Bond be established in accordance with the Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 21, 2012/ July 22, 2009.

The term of the Performance Bond shall not exceed two (2) years as set forth in Section 21A-10 of the Town of Orangetown Town Code, which shall be on or before June 27, 2014, and subject to the following conditions:

#### Performance Bond:

| <u>ITEM</u>                       | <u>COST</u>        |
|-----------------------------------|--------------------|
| Monuments                         | \$ 1,050.00        |
| Iron Pins                         | 1,350.00           |
| As-Built Drawings                 | 1,800.00           |
| Soil Erosion and Sediment Control | 25,700.00          |
| Sanitary System                   | 52,720.00          |
| <b>Sub-Total</b>                  | <b>\$82,620.00</b> |
| Administrative Close-out          |                    |
| (20% of Sub-Total)                | \$16,524.00        |
| <b>Total Bond</b>                 | <b>\$99,144.00</b> |

Inspection Fee (3% of Sub-Total)      \$ 2,478.60

To be submitted to DEME prior to the onset of construction.

All Bonds are to conform to current town regulations.

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

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

**Dated: June 27, 2012**  
**Planning Board Town of Orangetown**

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

**PB #12-31: DiPietrantonio Subdivision Plan; Reapproval of the Final Subdivision Plan Approval, Reaffirmation of SEQRA and Recommendation to the Town Board to Establish Value and Term of the Performance Bond**

**Town of Orangetown Planning Board Decision**  
**June 27, 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: DiPietrantonio Subdivision Plan**

SEQR STATUS: Type I \_\_\_\_\_  
Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX

**DESCRIPTION OF ACTION:** Reapproval of Final Approval PB #07-26, dated March 14, 2007, Reaffirmation of SEQRA and Recommendation to the Town Board to Establish Value and Term of the Performance Bond

**LOCATION:** The site is located at Blauvelt Road, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 69.14, Block 2, Lot 5 in the R-15 zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent: - Commissioner, New York State Department of Environmental Conservation,

- Region 3 Headquarters, NYSDEC      - Town Supervisor, Applicant, Involved Agencies