

**Meeting of March 14, 2012
TOWN OF ORANGETOWN PLANNING BOARD**

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

MEMBERS ABSENT: Jeffrey Golda

ALSO PRESENT: Bert von Wurmb, Building Inspector, Robert Magrino, Deputy Town Attorney; Richard Pakola, Deputy Town Attorney; Ann Marie Ambrose, Stenographer and Cheryl Coopersmith, Chief Clerk

Kevin Garvey, Chairperson called the meeting to order at 7:30 p.m. Mr. Garvey read the agenda. Hearings as listed on this meeting's agenda which are made a part of these minutes were held as noted below:

New Items:

Lamont Doherty Wireless Communication Facility Site Plan and SEQRA Review 80.10/ 1/ 2; R-80 zoning district	Final Site Plan Approval Subject to Conditions	PB #12-03
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Walther Subdivision Consultation Subdivision Consultation Palisades Historic District 78.17/2/20; R-40 zoning district	Consultation	PB #12-04
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Daikin America Parking Lot Expansion Site Plan Prepreliminary/ Preliminary Site Plan and SEQRA Review 73.15/ 1/ 15; LIO zoning district	Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.	PB #12-05
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Tri State Floor Covering Site Plan Prepreliminary/ Preliminary Site Plan and SEQRA Review 70.14/ 2/ 43; CS zoning district	Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.	PB #12-06
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Orangeburg Commons Mixed Use Concept Plan with Food Market Site Plan Prepreliminary/ Preliminary Amendment to the Approved Site Plan 74.15, Block 1, Lot 21 LI zoning district	Preliminary Amendment to the Approved Site Plan Subject to Conditions	PB #12-07
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Planning Board Meeting

The decision of the February 22, 2012 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by John Foody and seconded by Kevin Garvey and carried as follows: John Foody, aye; Kevin Garvey, aye, Jeffrey Golda, absent, Robert Dell, abstain; John Foody, aye; Michael Mandel, abstain 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 Bruce Bond and agreed to by all in attendance. The meeting was adjourned at 10:00 p.m. The next Planning Board meeting is scheduled for March 28, 2012.

DATED: March 14, 2012

Town of Orangetown Planning Board

P B #12-03: Lamont Doherty Wireless Communication Facility Site Plan

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**TO: Robert Gruffi, P.E., Rockland County Facilities Management
Department, 50 Sanatorium Road, Pomona, New York 10970**
FROM: Orangetown Planning Board

RE: Lamont Doherty Wireless Communication Facility Site Plan: The application of Rockland County Department of General Services, Facilities Management, applicant, for Trustees of Columbia University of New York, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review for a monopole antennae and equipment shelter to be used for radio communication amongst the Emergency Services in Rockland County at a site known as "**Lamont Doherty Wireless Communications Facility Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 61 Route 9W, Palisades, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 80.10, Block 1, Lot 2 in the R-80 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held, **Wednesday, March 14, 2012** at which time the Board made the following determinations:

Robert Gruffi, Gerald Walsh and Adam Feuer appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated March 7, 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 March 14, 2012.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 8, 2012.
4. Letters from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, Commissioner of Planning, dated March 2 & 5, 2012.
5. Letters from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated March 5, 2012.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 15, 2012.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated March 2, 2012.

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8. A letter from the Palisades Interstate Park commission, New York State Office of Parks Recreation & Historic Preservation, signed by Karl B. Roecher, Landscape Architect, dated March 9, 2012.
9. A letter from the New York State Department of Transportation, dated March 7, 2012, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer.
10. A letter from the New York State Department of Transportation, dated March 1, 2012, signed by Ursus A. Iqosu, MBA, P.E. PTOE, SEQRA/HWP Unit.
11. Letters from the New York State Department of Environmental Conservation, dated February 17, 2012, signed by Janet Swentusky, Division of Environmental Permits.
12. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Patrica Castelli, dated December 15, 2011.
13. An e-mail from Marilyn Hayward, Tax Collector/Treasurer, Borough of Alpine, New Jersey, dated March 13, 2012.
14. A Full Environmental Assessment Form, dated April 7, 2011, signed by Donna Step.
15. An Application for a Proposed Communication Site at 61 U.S. Route 9W, prepared by DMS Consulting Services, dated April 8, 2011; includes; General Project Overview, Justification of Need, Visual Resource Evaluation, Environmental Assessment Forms and PierCon Solutions, LLC Assessment and Report.
16. A letter from the Rockland County Department of General Services, Facilities Management, signed by Robert Gruffi, P.E., LEED AP, dated February 7, 2012.
17. Plans prepared by Infinigy Engineering, Motorola Systems Integration and Pyramid Network Services, dated April 18, 2011.

The hearing was then opened to the Public. There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Bruce Bond and second by John Foody and carried as follows:
Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; Robert Dell, aye; John Foody, aye, Michael Mandel, aye and Jeffrey Golda, absent.

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:

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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. 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 New York State Department of Transportation and all required permits obtained since the property is accessed from and has frontage on Route 9W.
 - b. The subject property lies adjacent to the Palisades State Park and the area where the proposed construction will occur is approximately 1150 feet to the west of the park. A review shall be obtained from the Palisades Interstate Park and any concerns addressed.
 - c. 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.
 - d. A location map that identifies the location of the area to be affected by construction shall be provided to more easily locate this project relative to other uses shall be provided. The map shall also include distances from property boundaries and labeling of the other of other existing uses on the property. It is noted that that the Existing Conditions drawing indicates that the site is approximately 975 feet from Route 9W. If this reference is to the distance one must travel on the access road, from the Route 9W entrance to the property to the construction site, the note shall be clarified accordingly.

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Continuation of Condition #3...

- e. In the event that this type of technology becomes obsolete, the applicant shall be fully responsible for disassembling the proposed panels and extension from the existing church turret.
4. The Rockland County Department of Highways reviewed the material provided and found the proposed action will have no foreseeable adverse impact upon County roads in the area. In addition, the application should be aware of and responsible to obtain any vehicle hauling permits that may be necessary to transport over state, county and local roadways. The Rockland County Highway Department requires Hauling Permits for vehicles utilizing county roadways that exceed the following limits:
 - Greater than 8½ feet in width
 - Greater than 13 ½ feet in width
 - Greater than 40 feet in length
 - Greater than 80,000 pond in weight
5. 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.
6. The Palisades Interstate Park Commission has reviewed the application and based on the information provided, it appears there will be no significant adverse impact to Park Facilities. The Palisades Interstate Park Commission therefore leaves this application for local determination.
7. The New York State Department of Transportation (NYSDOT) has reviewed the site plans and documentation for the subject project. As it is not on the NYSDOT right of way and will not have a significant impact on Route 9W, NYSDOT have no comment on this proposal.
8. The New York State Department of Environmental Conservation has reviewed the site plans and documentation for the subject project and found no permits for Protection of Waters, Freshwater Wetlands or Cultural Resources.

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

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

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

Override

The Board made a motion to override Conditions #1 & #4 of the March 2, 2012 letter from Rockland County Department of Planning, signed by Thomas Vanderbeek, Commissioner of Planning, for the following reasons:

#1) Since the Long Path Regional Hiking Trail is located on the subject property and approximately 565 feet to the west of the area where the proposed construction will occur, a review shall be completed by the New York-New Jersey Trail Conference and any concerns addressed.

The Board held that since the Palisades Interstate Park Commission had no objections to the installation of the monopole, and the project had no impacts on the trails and that due to time constraints of Rockland County, the Board overrode this condition.

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

#4) The Borough of Alpine, New Jersey is one of the reasons this proposal was referred to Rockland County Department of Planning for review. The municipal boundary is along the southern boundary of the subject property and the area where the proposed construction will occur is approximately 750 feet north of the municipal boundary. A portion of the Lamont Doherty Earth Observatory/Columbia University campus is located in the Borough

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Continuation of Override of #4)

of Alpine. New York State General Municipal Law states that the purposes of Section 239-1, 239-m and 239-n of the law shall be to bring pertinent intercommunity and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county –wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominate land uses, population density, and the relation between residential and nonresidential area. In addition, Section 239-nn was recently enacted to encourage the coordination of land use development and regulation among adjacent municipalities, so that, as a result, development occurs in a manner that is supportive of the goals and objections of the general area. The Borough of Alpine must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Borough of Alpine must be considered and satisfactorily addressed, as well as any additional concerns about the site plan.

The Board held that the Section of the law applies only to municipalities in New York and not in New Jersey. In addition, Since the Palisades Interstate Park Commission had no objections to the installation of the monopole and that due to time constraints of Rockland County, the Board overrode this condition.

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

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

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: March 14, 2012

Town of Orangetown Planning Board

PB #12-04: Walther Subdivision Plan: Consultation

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TO: William Walther, 694 Oak Tree Road, Box 651, Palisades, NY
FROM: Orangetown Planning Board

RE: Walther Subdivision Consultation: The application of Sue and William Walther, owners, for Subdivision Consultation at a site known as "**Walther Subdivision Consultation**," 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 694 Oak Tree Road, Palisades, in the Palisades Historic District, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 78.17, Block 2, Lot 20 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, March 14, 2012**, the Board made the following determinations:

Sue and William Walther appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated March 7, 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 March 14, 2012.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 8, 2012.
4. A report entitled Consultation with Town of Orangetown Proposal for Flag Lot Subdivision of 694 Oak Tree Road Palisades, New York, Submitted by Sue and Bill Walther, February 2012.

CONSULTATION: In view of the foregoing and the testimony before the Board, the Board offered the following COMMENTS:

1. Based on the information submitted, it appears the application would require a minimum lot area variance for the front lot and a street frontage variance for the flag lot; however more variances could be required when an actual site plan with dimensions is submitted.
2. The fire department should comment on the access of the flag lot for fire fighting requirements.

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3. The proposed house would require Town of Orangetown review and approval by the Historic Areas Board of Review.

4. A formal application to the Town of Orangetown Planning Board would be required for compliance with Chapter 21A, "Site Development Plan Approval."

5. A proper subdivision plan, that conforms to Section 21 of the Town of Orangetown Code Book – Land Development Regulations, shall be provided for review.

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

Dated: March 14, 2012

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PB #12-05: Daikin America Parking Lot Expansion Site Plan – Preliminary Site Plan Approval Subject to Conditions, Neg. Dec.

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TO: Jay Greenwell, PLS, 85 Lafayette Avenue, Suffern, New York

FROM: Orangetown Planning Board

RE: Daikin America Parking Lot Expansion Site Plan: The application of Daikin America, Inc., owner, for Prepreliminary/ Preliminary Site Plan Review at a site known as “**Daikin America Parking Lot Expansion 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 20 Olympic Drive, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.15, Block 1, Lot 15 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held, **Wednesday, March 14, 2012** at which time the Board made the following determinations:

Jay Greenwell and Richard Meister appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated March 7, 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 March 15, 2012.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 8, 2012.
4. A letter from Brooker Engineering, signed by Kenneth DeGennerio, P.E., dated March 6, 2012.
5. A letter from Rockland County Department of Planning, signed by Eileen Miller, Senior Planner, dated March 13, 2012.
6. Letters from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated March 5 & 12, 2012.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 15, 2012.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated March 2, 2012.

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9. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated March 1, 2012.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Patrica Castelli, dated February 15, 2012.
11. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief, dated March 5, 2012.
12. Letters from the New York State Department of Environmental Conservation, dated February 15, 2012, signed by Janet Swentusky, Division of Environmental Permits.
13. A Short Environmental Assessment Form, dated January 20, 2012.
14. Plans prepared by Jay Greenwell, PLS:
 - Sheet 1: Site Plan for Additional Parking, dated August 12, 2011
 - Sheet 2: Site Plan for Additional Parking, dated September 27, 2011, revised January 25, 2012
15. Hydraulic Analysis and Stormwater Design Calculations, prepared by Gdanski Consultants, Inc., dated January 8, 2012.

The hearing was then opened to the Public. There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Bruce Bond and second by William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; Robert Dell, aye; John Foody, aye, Michael Mandel, aye and Jeffrey Golda, absent.

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

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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Jay Greenwell, PLS and Gdanski Consultants, 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 Environmental Conservation, and having reviewed a Parking Layout Plan by prepared by Jay Greenwell, PLS and Gdanski Consultants, 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.

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall study the amount of site disturbance to save existing trees.
4. The proposed parking expansion is within the front yard and requires approval by the Planning Board to be in that yard.
5. The Site Plan shall be reviewed the Town of Orangetown Architecture and Community Appearance Board of Review.
6. The Short Environmental Assessment Form appears to be in order.

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7. The drainage calculations are currently under review by DEME. The applicant's engineer shall specify whether the Perc Rate given in the supplied drainage calculations (dated – January 8, 2012) is assumed or based upon a field survey. If the per rate is assumed, a field Perc Test shall be administered prior to receiving final approval for site plan, to ensure adequacy of designed drainage system. The applicant's engineer shall provide a copy of the field Perc Test to 10. DEME and the Building Department.

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

9. A post construction stormwater 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 Drainage Consultant to the Planning Board, Brooker Engineering, PLLC, reviewed the proposed stormwater management system and believes the system can provide a "zero net increase in peak runoff rates and mitigate any potential significant adverse environmental impacts with respect to drainage. Brooker Engineering therefore recommends to the Planning Board that the Daikin America Inc. Site Plan be approved for drainage subject to the following conditions:

1) Three drywells are proposed to intercept the new runoff from the eastern portion of the parking lot expansion. No drywell is proposed to intercept runoff from the western portion of the parking lot expansion. It is not clear if the existing stormwater management basin has the capacity to receive this additional runoff. One of the drywells shall be relocated to western portion of the parking lot. The relocated drywell can be combined with the proposed new catch basin on the northwest corner of the parking lot. The drainage analysis shall be updated to break down the subareas into western and eastern portion of the parking lots.

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Continuation of Condition #10....

2) The catch basin that directs the stormwater runoff to the new drywells shall have a hood over the outlet pipe.

3) The “Drywells in Stone Surround Detail” shall be modified to provide filter fabric at all locations between the crushed stone and soil and show the specifications for the cover.

4) Show drainage arrows pointing to the northwest along the saddle point in the grading at the eastern most portion of the northern parking lot.

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

- All roadways, driveways, turnarounds, etc. must provide a proper turning radius to accommodate a 55 foot long piece of fire apparatus.
- All roadways, driveways must be a minimum of 20 feet in width with vertical clearance of 13 feet 6 inches. On the north side of the building, this will be the aisle between the new parking spaces and the existing on the Hunt Road side.

12. The Rockland County Department of Highways reviewed the material provided and found the proposed action will have no foreseeable adverse impact upon County roads in the area. Please note that although the application to the Planning Board refers to Hunt Road as County route #13, this section of roadway is no longer within the county Highway system and now falls under the jurisdiction of the Town of Orangetown Highway Department.

13. The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.

14. Application is to be made to the Rockland County Department of Health for review of the Stormwater Management system for compliance with the County Mosquito Code.

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15. 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 requested based upon its review of the information provided.

16. The New York State Department of Environmental Conservation has reviewed the site plans and documentation for the subject project and found no permits for Protection of Waters, Freshwater Wetlands or Cultural Resources.

17. 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
- New York State Department of Environmental Conservation
- Rockland County Drainage Agency

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

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

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

P B #12-05: Daikin America Parking Lot Expansion Site Plan- Preliminary Site Plan Approval Subject to Conditions, Neg. Dec.

**Town of Orangetown Planning Board Decision
March 14, 2012
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Continuation of Condition #20....

- 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.

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

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

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

P B #12-05: Daikin America Parking Lot Expansion Site Plan- Preliminary Site Plan Approval Subject to Conditions, Neg. Dec.

Town of Orangetown Planning Board Decision

March 14, 2012

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24. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).

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

26. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and 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

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

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

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

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: March 14, 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
March 14, 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: Daikin America Parking Lot Expansion 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 20 Olympic Drive, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.15, Block 1, Lot 15 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

PB #12-06: Tri-State Floor Covering Site Plan– Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec. and Approval of Outdoor Loading Berths

Town of Orangetown Planning Board Decision

March 14, 2012

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

RE: Tri State Floor Covering Site Plan: The application of Tri State Floor Coverings, LLC, for RMGK Realty Corp., owner, (Donald Brenner, attorney for the Applicant) for Prepreliminary/ Preliminary Site Plan Review at a site known as “**Tri State Floor Covering 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 24 North Troop Road, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.14, Block 2, Lot 43 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, March 14, 2012**, the Board made the following determinations:

Donald Brenner, Jay Greenwell and Jay Lieberman appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated March 7, 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 March 14, 2012.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 8, 2012.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated March 6, 2012.
5. Letters from the Rockland County Department of Planning, signed by Thomas Vanderbeek, Commissioner of Planning, dated March 14 & 15, 2012.
6. Letters from the Rockland county Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated March 12, 2012.
7. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 15, 2012.
8. A letter from the Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated March 2, 2012.

PB #12-06: Tri-State Floor Covering Site Plan– Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec. and Approval of Outdoor Loading Berths

Town of Orangetown Planning Board Decision

March 14, 2012

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9. A letter from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief, dated February 15, 2012.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, dated December 15, 2011.
11. Letters from the New York State Department of Environmental Conservation, dated February 17, 2012, signed by Janet Swentusky, Division of Environmental Permits.
12. Plans prepared by Jay Greenwell, PLS, LLC, and dated October 24, 2011:
 - Site Plan, revised January 27, 2012
 - Details, revised January 30, 2012
13. A Drainage Analysis, prepared by Edward Maikish, P.E., dated December 19, 2011.
14. A Short Environmental Assessment Form, dated January 23, 2012, signed by Jeff Lieberman.

Public Comments:

Anthony Loperfido, 30 Troop Road, raised concerns regarding the proposed use of the property. He requested that sidewalks be placed on North Troop Road.

Margaret Lane-Boyle, 7 Murphy Court, requested that landscaping be placed on the site as needed. She stressed that no commercial parking be allowed on North Troop Road.

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

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

PB #12-06: Tri-State Floor Covering Site Plan– Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec. and Approval of Outdoor Loading Berths

Town of Orangetown Planning Board Decision

March 14, 2012

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Jay Greenwell, PLS and Edward Maikish, P.E., and the Town of Orangetown's engineering consultant, Brooker Engineering 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, Bureau of Fire Prevention; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Sewer District No. 1, New York State Department of Environmental Conservation, and having reviewed the proposed Site Plan prepared by Jay Greenwell, PLS and Edward Maikish, P.E., 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;

PB #12-06: Tri-State Floor Covering Site Plan– Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec. and Approval of Outdoor Loading Berths

Town of Orangetown Planning Board Decision

March 14, 2012

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

On motion by Bruce Bond and seconded by John Foody and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Robert Dell, aye; John Foody, aye; William Young, aye; Michael Mandel, aye and Jeffrey Golda, absent, 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. 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. A CS zone district allows accessory storage of goods and equipment for the use on the property, therefore a note on the Site Plan shall be provided stating: "The warehouse storage portion of the building is accessory to the use on the property only."

PB #12-06: Tri-State Floor Covering Site Plan– Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec. and Approval of Outdoor Loading Berths

**Town of Orangetown Planning Board Decision
March 14, 2012
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4. All accessory storage, either on a temporary or interim basis, shall be within a completely enclosed building. Please indicate on the Site Plan if any trucks or other commercial vehicles or equipment are to be stored overnight in the parking lot, loading area or somewhere else on the property such as behind the building.

5. The “Table of General Use Regulations,” Section 3.11, Column 7, “Additional Use Regulations,” Item 6, states: “No outdoor loading berths are permitted except by permission of the Zoning Board of Appeals or Planning Board.” The outdoor loading area shown on the Site Plan requires the approval of the Planning Board.

6. Under the “Notes to Use and Bulk Table”, Note 2: requires a 50 foot rear yard buffer in addition to the 25 foot rear yard setback. The applicant is proposing a 10 foot buffer instead of the required 50 foot buffer; however the plans as drawn actually show a 25 foot rear yard and a 1 foot buffer by having a 26 foot rear yard setback. Therefore, the applicant shall change the Site Plan by drawing a 10 feet buffer line across the entire length of the rear property and labeling the rear yard setback as 16 feet from the rear wall of the proposed building to the proposed 10 foot buffer line. This would now require the applicant to pursue the following 2 variances from the Town of Orangetown Zoning Board of Appeals:

<u>Variance</u>	<u>Required</u>	<u>Proposed</u>
Minimum Rear Yard (Section 3.12, “Bulk Regulations; CS zone, Column 11, “Required Rear Yard”)	25 feet	16 feet
Buffer from Rear Yard Minimum setback (Notes to Use and Bulk Table, Note 2, CS Zone.)	50 foot setback	10 foot setback

7. A variance from the Town of Orangetown Zoning Board of Appeals shall be sought for the number of required parking spaces since 15 parking spaces are required and 11 parking spaces are provided.

8. The Short Environmental Assessment Form, item #8 needs to be answered “No” and the zoning variances listed.

PB #12-06: Tri-State Floor Covering Site Plan– Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec. and Approval of Outdoor Loading Berths

Town of Orangetown Planning Board Decision

March 14, 2012

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9. Impervious vegetative screening or fencing shall be provided on the Northerly or Easterly side of the property.

10. The revised drainage calculations are currently under review by DEME. However, because the Perc Rates are assumed, field Perc Tests shall be administered prior to receiving final approval for site plan, to ensure adequacy of designed drainage system. The applicant's engineer shall provide a copy of the field Perc Test to 10. DEME and the Building Department.

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

12. A post construction stormwater 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.

13. The proposed curbing shall extend in front of the entire site. The applicant shall discuss the location with the Town Highway Department.

14. The erosion control plans and details shall be modified to reflect a "stone-filter" system around the proposed catch basin and other drainage facilities, for keeping out silt and foreign material. A detail for same shall be provided.

15. A trench drain shall be added in the driveway entrance to capture runoff from the driveway.

16. The size of the proposed sanitary building connection shall be given on the plans and a profile for same shall be added to the plans.

17. The Drainage Consultant to the Planning Board, Brooker Engineering, PLLC, reviewed the proposed stormwater management system and believes the system can provide a "zero net increase in peak runoff rates and mitigate any potential significant adverse environmental impacts with respect to drainage. Brooker Engineering therefore recommends to the Planning Board that the Tri State Floor Covering LLC Site Plan be approved for drainage subject to the following conditions:

**PB #12-06: Tri-State Floor Covering Site Plan– Preliminary Site Plan
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
March 14, 2012
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Continuation of Condition #17 ...

1) More detail should be provided along the western and northern faces of the building that shows surface runoff directed away from and around the new building. Spot grades should be added adjacent to the building and at a suitable distance away from the building to show a swale around the building. The footprint of the building naturally receives a fair amount of surface runoff from the paved area on the property to the west; this runoff should clearly be shown as being diverted around the building. The proposed ground cover in the area between the proposed building and the building to the west should be shown on the plan.

2) The drainage calculations assume that the on-site runoff enters the detention system and no off-site runoff enters the detention system. Stormwater runoff from the properties to the north (tax lots 70.14-2-33 and 70.14-2-34) currently flows through the site toward North Troop Road. This flow pattern should be maintained. The off-site runoff should be shown as diverted around the proposed detention system or the drainage calculations should be revised to reflect off-site runoff entering the detention system. Swales should be added to the plan and labeled indicating the intended direction of flow.

3) The proposed grading shows the potential for a portion of the proposed parking lot to bypass the detention system; in particular, surface runoff from the on-site extension of the access driving lane that is about 40 feet long and 24 feet wide will flow directly south and not be directed to the detention system. Additional details should be added that shows a greater area of the new impervious parking lot directed to the detention basin. This can include additional catch basins, trench drains, more spot grades, etc.

4) The drainage study should be updated to show the delineation of on-site and off-site runoff that is proposed to enter the detention system.

5) The plans should indicate if the new building construction is slab on grade or if a basement or crawl space is proposed. If a basement or crawl space is proposed, then a footing drain should be added to the plan.

**PB #12-06: Tri-State Floor Covering Site Plan– Preliminary Site Plan
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
March 14, 2012
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Continuation of Condition #17 ...

- 6)** The plans should add a detail for the outlet structure. The detail should show the elevation of the low flow orifice, inside dimensions of the structure including the baffle wall width, and cover specification.
- 7)** A catch basin with sump and hood over the outlet pipe should be added to the roof leader pipe that enters the detention basin from the north.
- 8)** Provide a precast opening in the bottom of the catch basin to allow standing water to infiltrate to the ground water table.
- 9)** The "Isolator Profile View" detail shows a catch basin at the end of each row in the detention gallery; these should be added to the Site Plan.
- 10)** The swale between the proposed retaining wall along the parking lot and the existing wall along the east property line is very flat. It is recommended to add a stone lined swale, under drain, or drainage pipe to prevent standing water. Groundcover and proposed landscaping in this area should be noted, as this may prevent maintaining a swale in this corridor. The proposed 184 contour near the edge of pavement may be lower than the edge of pavement at North Troop Road. Additional spot grades should be added showing how this swale will tie into the existing pavement on North Troop Road. Show proposed top and bottom of curb elevations where the new curb terminates at the southeast corner of the property.
- 11)** The drainage calculations (page 4) should be revised to use the orifice equation, $Q=cA\sqrt{2gh}$, to calculate flow through the orifice. Flow over the internal weir should be added to calculate the total flow leaving the detention system; assume flow over the weir is at the top of curb elevation at the outlet structure. Alternately, calculations showing the inflow hydrograph routed through the outlet structure can be provided to show no net increase in peak runoff rates.

**PB #12-06: Tri-State Floor Covering Site Plan– Preliminary Site Plan
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
March 14, 2012
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Continuation of Condition #17 ...

12) A maintenance plan and schedule for the detention system should be added to the Site Plan.

13) The proposed 8" ADS pipe from CB 2 to the existing catch basin in North Troop Road should be changed to a 15 inch pipe to be consistent with the 15 inch pipe downstream of the outlet structure.

14) Invert elevations and pipe diameters of the pipes into and out of the detention system should be added to the Site Plan.

15) Note 19 should be modified to add "The perc test should note any groundwater and indicators of high seasonal groundwater table."

16) Show the location of stabilized construction entrance.

17) Filter fabric should be added entire the entire crushed stone envelope wherever clean crushed stone is adjacent to soil.

18. The Town of Orangetown Fire Prevention Bureau had the following comments in regard to a new 4,000 plus square foot Building:

- Identify the construction proposed and how the parking spaces are to be used.
- Install and maintain an NFPA 72 Compliant Fire Alarm System, connect to Rockland County 44-Control, with remote annunciator at front door with red and amber strobes as per Orangetown Code.
- Stamped, Sealed plans for Fire Alarm proposal submitted to Fire Bureau for approval before work begins.
- Emergency lighting as per NEC.
- Install and maintain portable fire extinguishers as required by NFPA 10.
- No Parking Fire Zone along the entire length of the east side for Fire Department access. No Parking Fire Zones shown on the Final approved site plan.

**PB #12-06: Tri-State Floor Covering Site Plan– Preliminary Site Plan
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
March 14, 2012
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19. The Rockland County Department of Highways found that the requested action will have no foreseeable and adverse impact to county roads in the area. It is their long-standing policy that all parking be contained on site in accordance to current Town Zoning Code. All required parking should be provided. Parking should be adequate for type of use. Since the proposed construction for the development of this parcel will be within 500 feet from County Highway #15 (Western Highway) a Rockland County Highway Department Work Permit will be required in addition to any and all permits required by the Town of Orangetown Building Department. Soil and Erosion control measures must be installed and maintained to minimize tracking into North Troop Road and Western Highway.

20. Application is to be made to the Rockland County Department of Health for review of the Stormwater Management system for compliance with the County Mosquito Code.

21. 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.

22. 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
- New York State Department of Environmental Conservation

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

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

25. 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:

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

**PB #12-06: Tri-State Floor Covering Site Plan– Preliminary Site Plan
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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27. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).

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

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

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

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

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

2) DECISION: In view of the foregoing and the testimony before the Board, the application was GRANTED APPROVAL FOR OUTDOOR LOADING BERTHS.

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

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

Dated: March 14, 2012
Town of Orangetown Planning Board

attachment

Tri-State Floor Covering Site Plan– Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
March 14, 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: Tri-State Floor Covering 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 24 North Troop Road, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.14, Block 2, Lot 43 in the CS zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

PB #12-07: Orangeburg Commons: Preliminary Site Plan Approval to the Amendment to the Approved Site Plan Subject to Conditions

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TO: Fred Donit, 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 Prepreliminary/ Preliminary 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 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 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, March 14, 2012**, the Board made the following determinations:

Al Rossi, John Collins, Fred Donit, Geraldine Tortorella, Justin Lim and Nick Daniel Burns appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated March 7, 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 March 14, 2012.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 8, 2012.
4. An Interdepartmental memorandum from the Highway Department, Town of Orangetown, signed by James Dean, Superintendent of Highways, Roadmaster II, dated March 6, 2012.
5. Letters from the Rockland County Department of Planning, signed by Thomas Vanderbeek, Commissioner of Planning, dated March 5 & 9, 2012.
6. A letter from the Rockland county Department of Highways, signed by Sonny Lin, P.E., dated March 14, 2012.

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7. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 15 & 23, 2012.
8. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, P.E., RCDA, dated March 14, 2012.
9. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated March 2, 2012.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, dated February 15, 2012.
11. A copy of the Town of Orangetown Town Board Resolution No. 92, Granting an Amendment of the Special Permit for the development of the Orangeburg Commons Project, March 5, 2012.
12. Report entitled Orangeburg Commons Application for Amended Site Plan Approval for Mixed Use Development Plan with Food market, dated February 8, 2012, prepared by Stuart Turner, FAICP, PP.
13. Plans prepared by Leonard Jackson Associates, dated February 1, 2012, unless otherwise 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 #4C: Erosion & Sediment Control Plan
 - Drawing #5: Landscaping Plan
 - Drawing #5A: Landscaping Plan (Part Plan A)
 - Drawing #5B: Landscaping Plan (Part Plan B)
 - Drawing #6: 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)

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13.

Drawing #10: Construction Details (4 of 4)

Drawing #11: Stormwater Pollution Prevention and Construction Phasing

Drawing #11A: Stormwater Pollution Prevention Details

Drawing #12A: Storm Profiles (1 of 3)

Drawing #12B: Storm Profiles (2 of 3)

Drawing #12C: Storm Profiles (3 of 3)

Drawing #14: Sanitary Profiles

Drawing #15: Wall Profiles

Drawing #16: Snow Management Plan

Drawing #17: Typical Site Cap Sections

Drawing #18: Site Cross Section Location Plan

Drawing #18A: site/Building Cross Sections

Drawing #19: Site Cap Plan

- Existing Conditions Survey, January 27, 2012

-05L343-19: Subsurface Investigation, June 30, 2005

14. Copies of previous Board Decisions: 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:

Gail Raffale, Tappan, raised concerns regarding making Highview Avenue one way traffic. Ms Raffale supported the proposed amendment of the site plan.

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

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

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

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

1. The applicant shall comply with all applicable previous Board Decisions: 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 applicant obtained a Special Permit from the Orangetown Town Board on March 5, 2012.
5. The garbage/ Recycling compactors shall be shown on the plans.
6. Parking in the required yards is permitted provided the approval is granted by the Planning Board.

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7. No outdoor loading berths are permitted except by permission of the Zoning Board of Appeals or the Planning Board. The Food Market has 3 external loading berths proposed.
8. The "Phase 2" (building construction only) Courtyard by Marriot portion of the overall project, will have to be stabilized to the satisfaction of Town of Orangetown Building's Department, prior to the consideration of the Certificate of Occupancies for "Phase I."
9. The Site Plan shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review for proposed lighting and landscaping features and building facades.
10. The State Environmental Quality Review Action review has been completed by the Town of Orangetown Town Board.
11. The revised drainage calculations are currently under review by DEME.
12. A revised/ amended SWPPP shall be submitted to DEME for review and approval.
13. Revised sanitary calculations for all of the proposed buildings shall be submitted to DEME for review and approval from this Department.
14. There are a number of proposed sanitary mains that have a proposed slope of 0.004, this is too flat. The applicant's engineer shall revise the proposed sanitary layout.
15. The entire traffic study shall be revised and all intersection and traffic movements adjusted, based on the fact that Highview Avenue is going to be a one-way road heading west to east. If this data has already been gathered, the information shall be submitted to the Planning Board, the Orangetown Highway Department and DEME.
16. The Applicant's engineer shall look at left hand turning movements, heading west on Stevens Way, then turning left into the proposed site. There is a concern about vehicle stacking along Stevens Way and the left handed bend inside the site.

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17. The Town of Orangetown Department of Highways had the following comments:

- a.** Please be advised that the Town of Orangetown Department of Highways fully supports the mitigation for improved pedestrian accommodations at Route 303/ Route 340/ Greenbush Road intersection, in lieu of construction a sidewalk or providing a transportation easement along the Orangeburg Commons frontage, on Route 303.
- b.** The Department also concurs that a bus stop on the northbound side of Route 303, at Stevens Way is not advisable. The proposed bus stop would be better located on the east bound lane of Stevens Way, close to the entrance of the proposed development.
- c.** The plan to convert Highview Avenue, between Western Highview and South Greenbush Road, to a one-way with the traffic flowing in the easterly direction is under serious consideration. The applicant shall provide a traffic study that will address the impact of the one-way on the entire study area.

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

- a.** A crosswalk across Stevens Way, for pedestrians going between this and the Lowe's site, shall be provided. (This requirement was made a part of the Town Planning Board Final Site Plan Approval, PB #07-19, p.9.) Although one is shown at the west end of Stevens Way, an additional crosswalk shall be provided parallel and adjacent to the south side of Stevens Way at the access road into Orangeburg Commons so that patrons and employees can safely cross between all stores.
- b.** A pedestrian walk near the proposed food market, leading across the grassed island, from the sidewalk to be located on the south side of Stevens Way, to the food market, shall be included on the Site Plan. It is suggested that the walk be located approximately 165' west of the center of the Orangeburg Commons access point onto Stevens Way.
- c.** The Site Plan shall include all appropriate pedestrian crosswalk markings.

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Continuation of Condition #18...

d. There is a bike path that ends by the Orangeburg Library at 20 South Greenbush Road. In addition, Lowe's has installed a sidewalk from the library to the corner of Stevens Way and Greenbush Road, allowing persons using bike/pedestrian path to continue to the Orangeburg Common, the sidewalk shall be continued along Stevens Way. (This requirement was made a part of the Town Planning Board Final Site Plan Approval PB #07-09, p. 9.) Also, in light of the current discussion of the applicant making pedestrian improvements at the Route 303/ Route 340/ Greenbush Road intersection, it is recommended that corrections be considered for any sidewalk discontinuations, width and paving deficiencies and absences of ADA grade change ramps where they may exist at the southwest corner of the intersection of Greenbush Road and Route 303, along Highview Avenue, at the intersection of Highview Avenue and Western Highway.

e. 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.

f. At the meeting of October 30, 2006, the applicant's representatives indicated that the entire area west of the Route 303 right of way, including the storm water basin area, is to be used to address the requirement for a 25 foot wide vegetated buffer along Route 303. If this is the case, and the Town is allowing this, an **explanatory note shall be placed on the Site Plan.**

g. The Town's law governing mixed -use developments states that, if the Town Board permits a storm water basin in the front yard, suitable landscaping and screening is to be provided, including berming. If berming is proposed to screen the storm water basin, this shall be reflected on the landscaping and other plans. It is our understanding from the applicant's engineer's response to our previous comments that, to clarify areas where berming will occur (at the top of the basin), the grading design will be overlaid on the 30 scale planting plans. This, or another appropriate depiction shall be submitted to demonstrate compliance with the Town's law.

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Continuation of Condition #18...

h. The wall adjacent to the railroad right of way should be landscaped on its eastern side, especially since portions of the wall be approximately 11 feet high.

i. There shall be no net increase in peak rate of discharge from the site at all design points.

j. 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.

k. The concerns expressed in the February 24, 2012 letter from the New York State Department of Transportation and any additional future review by the traffic division of the New York State Department of Transportation shall be addressed and all required permits obtained.

l. The concerns expressed in the January 18, 2012 letter from the Rockland County Highway Department shall be addressed and any required permits obtained.

m. If a subdivision of the subject property is requested in the future, the Rockland County Drainage Agency must review and sign the subdivision plat before it will be accepted for filing by the Rockland County Clerk.

n. With regard to appropriate site development and management for portions of the site that were formerly used for waste disposal, a review shall be completed by the New York State Department of Environmental Conservation and all required permits obtained.

o. 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.

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Continuation of Condition #18...

p. 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.

q. 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.

r. We request that the food market be required to have a back-up generator so that, in the event of power outages due to storms, the food market will not lose power and can continue to provide services. It is felt that food markets are essential as they provide a needed commodity (refrigerated foods) when all other sites lose power during extended outages. The back-up generator also would serve to prevent their refrigerated and frozen foods from becoming unusable in such situations.

s. 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 theme, 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.

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Continuation of Condition #18...

- t. The use of earth tone colors for building exteriors and signs will help to blend the site into the natural surroundings and is recommended.
 - u. 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.
- 19.** 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 sewage disposal per Article IV, Section 4.2.1 of the Rockland County Sanitary Code. Formal application is to be made.
 - b. RCDOH Environmental Health Program will need to evaluate whether a sub-metered distribution system needs to be regulated under Subpart 5-1 of the New York State Sanitary Code.
 - c. Application is to be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito Code.
- 20.** The Rockland County Department of Highway was reviewed the plans and offer the following remarks for consideration. This Department is in favor of the Town's intention to make Highview Road a one way East from Western Highway. The applicant should show the off site improvement to be provided for the existing deficiencies and for future that would include Highview Road west ward from Greenbush Road continued onto Western Highway intersection where traffic warrant study is to be evaluated for the installation of a traffic signal after the development is occupied as recommended by Adler Consulting in White Plains. The above will have to be coordinated with the railroad crossing project at Highview Avenue underway. The proposed and anticipated improvement which may include turn lane and stacking distance should be shown as promised by the applicant as part of the permit condition.

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21. 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 bards 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.

22. 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.

23. The proposed trees along the detention basin shall be increase in caliper from 5 inches to 6 inches, minimum.

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

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

26. 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:

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

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28. 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).

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

30. 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

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

32. 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.

33. 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.

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Overrides

The Board made a motion to override Conditions 1, 2, 6(last three lines), 7, 8, 11, 13, 15 and 18 of the March 9, 2012 letter from Rockland County Department of Planning, signed by Thomas Vanderbeek, Commissioner of Planning, for the following reasons:

Condition #1:

The previous Town Board Special Permit Approval, in Resolution 658, p. 18, required that, with recognition that municipal and agency approvals are beyond the applicant's control, prior to the issuance of a Certificate of Occupancy for any use on the site, a plan shall be developed and implemented to prevent potential stacking of cars on the railroad tracks at Highview Avenue. Subsequently, in the Town Planning Board Amended Site Plan Approval PB #08-30, p.6, the requirement was affirmed that the Town Planning Board requests the applicant install, at its expense, a traffic light at the intersection of Highview Avenue and Western Highway, subject to the Town of Orangetown Town Board request to the County of Rockland. Since that time, there have been discussions based on the County's plan for a Quiet Zone and local traffic safety issues, to make Highview Avenue one way eastbound and to make other related traffic changes in this area. The Town shall be assured that, in consultation with the Town and the County of Rockland, the revised traffic study recognize the current planning for this intersection and reflects the applicant's participation in the costs of implementing such planning commensurate with their previous commitment.

The Board held that the applicant would participate in the implementation of the planning and traffic study of the Highview Avenue intersection, however, the applicant would not participate in the implementation if it included the installation of traffic safety measures (i.e. traffic light).

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

Condition #2.

The applicant shall consult with the Rockland County Department of Public Transportation prior to Site Plan approval, in order to address issues of bus route circulations in relation to the proposed shopping center and the location of potential bus stops (with shelters to be provided by Rockland County) and any signalized pedestrian crossing. (The requirement for such a consultation, regarding the location of a potential bus stop, was made a part of the Town Planning Board Final Site Approval, PB #07-19, p.9.)

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Overrides.....Continuation of Override of Conditions of Rockland County Letter 3/9/12

The Board held public bus access was sufficiently addressed by the proposed public bus stop at the intersection of Route 303 with Stevens Way.

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

Condition #6 (delete the words after “Highview” in BOLD type)

There is a bike path that ends by the Orangeburg Library at 20 South Greenbush Road. In addition, Lowe’s has installed a sidewalk from the library to the corner of Stevens Way and Greenbush Road, allowing persons using bike/pedestrian path to continue to the Orangeburg Common, the sidewalk shall be continued along Stevens Way. (This requirement was made a part of the Town Planning Board Final Site Plan Approval PB #07-09, p. 9.) Also, in light of the current discussion of the applicant making pedestrian improvements at the Route 303/ Route 340/ Greenbush Road intersection, it is recommended that corrections be considered for any sidewalk discontinuations, width and paving deficiencies and absences of ADA grade change ramps where they may exist at the southwest corner of the intersection of Greenbush Road and Route 303, along Highview Avenue, **at the intersection of Highview Avenue and Western Highway, further north along Western Highway, and at any other locations where these deficiencies may exist.**

The Board held that improvements at other locations further north along Western Highway were out of the scope of the project development.

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

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Overrides..... Continuation of Override of Conditions of Rockland County Letter 3/9/12

Condition #7.

It is our understanding, based upon the February 12, 2012 (correction - February 24, 2012) letter from James Rapoli, P.E. of the New York State Department of Transportation, that the possibility of making alternative pedestrian improvements at the Route 303/ Route 340/ Greenbush Road intersection in lieu of constructing a sidewalk or transportation easement along a sidewalk or transportation easement along the site's frontage on Route 303 is under discussion with the Town Highway Superintendent. The revised site plan shall reflect the appropriate changes and related bus routing plans, to be made in consultation with the Rockland County Public Transportation Department and Rockland County Transportation Planning Division.

The Board held that that the possibility of making alternative pedestrian improvements at the Route 303/ Route 340/ Greenbush Road intersection in lieu of constructing a sidewalk or transportation easement along a sidewalk or transportation easement along the site's frontage on Route 303 is not consistent with the request of the New York State Department of Transportation.

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

Condition #8.

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.)

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Overrides..... Continuation of Override of Conditions of Rockland County Letter 3/9/12

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

Condition #11.

As required in the previous final site plan approval, the Town shall be satisfied that the requirement in the Town's law governing mixed use developments, which indicated that evergreen plants are to be used along all property boundaries for minimizing impacts such as noise, visual etc, has been met.

The Board held that the request to have evergreen plantings along all property boundaries is inconsistent with the proposed landscaping plans.

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

Condition # 13.

The final site plan that was previously approved included significant use of wall structures and no significant changes are proposed to the affected areas. The wall structures included:

- (a) A wall of up to 12.1 feet in height along the western boundary of the storm water basin (Wall C);
- (b) A wall of up to 8.5 feet in height along the edge of the wetland at the southern end of the property (Wall B); and
- (c) A wall of up to 12.1 feet in height along the western boundary of the storm water basin (Wall C).

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We are concerned about the visual impact of the walls from Route 303 and other vantage points. In order to better evaluate their visual impact, elevation drawings of how these walls will appear from Route 303, the rear of The Residence Inn and the railroad should be provided for review.

The Board held that the wall plans have changed: Wall A no longer exist, Wall B and Wall C have changed. Applicant will present revised wall plans to the Planning Board in the future.

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

Condition #15.

The phasing line in the vicinity of the future 119 room courtyard by Marriot hotel should be modified on the Concept Plan to provide a clearer delineation, with the phasing line at the curb of this hotel.

The Board held that the phasing line will be clearly delineated on the final plans when presented to the Planning Board.

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

Condition #18.

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 retails stores have been removed and replaced with one food market, an oversized sign is not needed.

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The Town's law governing mixed used 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 Bruce Bond and seconded by William Young and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Michael Mandel, aye; Jeffrey Golda, absent; William Young, aye and John Foody, aye.

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

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

Dated: March 14, 2012

Town of Orangetown Planning Board