

**Meeting of May 9, 2012  
TOWN OF ORANGETOWN PLANNING BOARD**

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

**MEMBERS ABSENT:** Bruce Bond and Jeffrey Golda

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

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

**New Items:**

<b>Miele Subdivision Plat</b> Commercial Subdivision Plan Prepreliminary/ Preliminary/ Final Subdivision Plan and SEQRA Review 74.18/3/32; LI & LO zoning district	<b>Continued: Redesign Plan</b>	<b>PB #12-19</b>
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<b>Miele Site Plan</b> Prepreliminary/ Preliminary Site Plan and SEQRA Review 74.18/3/32; LI & LO zoning district	<b>Continued: Redesign Plan</b>	<b>PB #12-20</b>
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<b>Temple Israel Memorial Park Roadway Extension Plan</b> Prepreliminary/ Preliminary Site Plan and SEQRA Review 69.20/2/28; R-15 zoning district	<b>Preliminary Approval Subject to Conditions Neg. Dec.</b>	<b>PB #12-21</b>
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<b>Daikin America Parking Lot Expansion Site Plan</b> Final Site Plan Review 73.15/ 1/ 15; LIO zoning district	<b>Final Site Plan Approval Subject to Conditions</b>	<b>PB #12-22</b>
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<b>The Point at Lake Tappan Site Plan</b> Consultation 73.10/1/4; OP & PAC zoning district	<b>Consultation</b>	<b>PB #12-23</b>
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<b>One Ramland Road Generator Plan</b> Final Site Plan Review 73.20/1/23 & 24; LIO zoning district	<b>Final Site Plan Approval Subject to Conditions</b>	<b>PB #12-24</b>
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**Other Business:** The Board reviewed an existing commercial space within the Pearl River Bowling Lanes. That commercial space was being used as part of the bowling lanes. The bowling lanes is seeking to sublease the existing commercial space. The subject commercial space is not physically changing and therefore the Planning Board did not want to review the applicant as a Formal Commercial Subdivision Application. Since the existing commercial space does not have its own bathrooms and shares facilities with the bowling lanes, the applicant is subject to the same operating hours as the bowling lanes.

The decision of the April 11, 2012 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Michael Mandel and seconded by William Young and carried as follows: John Foody, aye; Kevin Garvey, aye, Jeffrey Golda, absent, Robert Dell, aye; Bruce Bond, absent; Michael Mandel, aye and William Young, aye.

The decision of the April 25, 2012 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Michael Mandel and seconded by John Foody and carried as follows: John Foody, aye; Kevin Garvey, aye, Jeffrey Golda, absent, Robert Dell, aye; Bruce Bond, absent; Michael Mandel, aye and William Young, aye.

The Decisions of the above hearings, as attached hereto, although made by the Board before the conclusion of the meeting are not deemed accepted and adopted by the Board until adopted by a formal motion for adoption of such minutes by the Board. Following such approval and adoption by the Board, the Decisions are mailed to the applicant. The verbatim transactions are not transcribed, but are available.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by William Young and seconded by Michael Mandel and agreed to by all in attendance. The meeting was adjourned at 9:30 p.m. The next Planning Board meeting is scheduled for May 23, 2012.

**DATED: May 9, 2012**  
**Town of Orangetown Planning Board**

**PB #12-21: Temple Israel Memorial Park Roadway Extension Plan - Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
May 9, 2012**

TO: Lawrence Kintisch, 208 Hilltop Drive, Upper Nyack, New York  
10960

FROM: Orangetown Planning Board

RE: Temple Israel Memorial Park Roadway Extension Plan: The application of Lawrence Kintisch, applicant, for Congregation Sons of Israel of Nyack, owner, (Sol Kodsi, Attorney for the owner), for Prepreliminary/ Preliminary/ Final Site Plan Review, at a site known as "Temple Israel Memorial Park Roadway Extension 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 75 Van Wyck Road, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.20, Block 2, Lot 28 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **May 9, 2012** at which time the Board made the following determinations:

Lawrence Kintisch appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated May 2, 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 May 9, 2012.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., May 3, 2012.
4. Letters from Rockland County Department of Planning, signed Thomas B. Vanderbeek, P.E., Commissioner of Planning, dated May 3 & 7, 2012.
5. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated April 10, 2012.
6. Letters from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, signed by Janet Swentusky, dated April 11, 2012.
7. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated April 18, 2012.
8. A Short Environmental Assessment Form signed by Lawrence H. Kintisch, dated April 2, 2012.
9. Drainage Information prepared by Thomas W. Skrable, P.E., dated January 31, 2012, in a letter to Bruce Peters, P.E., Town of Orangetown, with attachments.
10. Plans prepared by Thomas W. Skrable, P.E., dated January 24, 2012, entitled Proposed Driveway Extension & Grading Plan.

The Board reviewed the plan.

**Public Comments:**

Len Leroldi, Building Manager at Saint Catherine Church, 523 Western Highway, Blauvelt, requested information regarding access to the site to build the roadway. Would they be using the easement that Saint Catherine owns? And if they damage the easement, would they repair it to its present condition.

Thomas Diviny, Town of Orangetown Councilman, however, speaking as a private citizen, noted that this area has a high water table and development of the site would impact Glenwood Drive and the surrounding neighborhood. He held that any future development of the cemetery should require a drainage study and how it would impact the neighborhood.

Steven Murphy, 72 Swanekin Road, Blauvelt, wanted the property behind the project site cleaned up, he noted that the property always has a significant amount of water on it at all times.

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

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

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Thomas Skrable, P.E., and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration, Enforcement and the Department of Environmental Management and Engineering and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, New York State Department of Environmental Conservation, and having reviewed proposed Plans by prepared by Thomas Skrable, 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;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The proposed project is an extension of a roadway in an existing cemetery.
4. A Special Permit from the Zoning Board of Appeals needs to be obtained for "Cemeteries on Plots of 10 acres or less, adjacent to an established cemetery or place of worship. The cemetery is 7.5081 acres. (Table of General Use Regulations", Section 3.11, R-15 Zone District, Column 3, back to R-80 Zone District, Column 3, Item #10.)
5. The Short Environmental Assessment Form, item #10, needs to have "ZBA Special Permit" added.
6. DEME has received and approved drainage calculations for this proposed project.
7. The soil erosion and sediment control plans and details are under review by DEME.
8. If the applicant proposes to redevelop the site, a drainage study must be submitted for review and approval.
9. There shall be no net increase in the peak rate of discharge from the site at all design points.

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

**11.** The Rockland County Health Department (RCDOH) reviewed the plans and found that application is to be made to RCDOH for review of the Stormwater Management system for compliance with the County Mosquito Code.

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

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

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

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

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

- One (1) foot radius from trunk per inch DBH
- Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:

- Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
- Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

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

**17.** Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required

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

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

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

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

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

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

**23.** 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.

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

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

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

**Dated: May 9, 2012**

**Town of Orangetown Planning Board**

Attachment

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

**PB #12-21: Temple Israel Memorial Park Roadway Extension Plan –  
Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
May 9, 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: Temple Israel Memorial Park Roadway Extension Plan**

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

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

**DESCRIPTION OF ACTION: Preliminary Site Plan Review**

**LOCATION:** The site is located at 75 Van Wyck Road, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.20, Block 2, Lot 28 in the R-15 zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

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



**PB #12-22: Daikin America Parking Lot Expansion Site Plan – Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision  
May 9, 2012**

**TO: Jay Greenwell, PLS, 85 Lafayette Avenue, Suffern, New York 10901**  
**FROM: Orangetown Planning Board**

RE: Daikin America Parking Lot Expansion Site Plan: The application of Daikin America, Inc., owner, for Final 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. 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, May 9, 2012** at which time the Board made the following determinations:

Jay Greenwell and Richard Meister appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated May 2, 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 May 9, 2012.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 3, 2012.
4. A letter from Brooker Engineering, signed by Kenneth DeGennerio, P.E., dated May 9, 2012, with an attachment of a memorandum from Jay Greenwell, PLS, to Ken DeGennaro, PE., dated April 10, 2012.
5. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated May 7, 2012.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated April 10, 2012.
7. A copy of a letter from Rockland County Department of Health, signed by Brian Hunderfund, Sr. Environmental Health Specialist, dated April 6, 2012 to Jay A. Greenwell, PLS.
8. A copy of a letter from Jay A. Greenwell, PLS, dated April 10, 2012 to John Giardiello, Director, OBZPAE, Town of Orangetown.
9. Plans prepared by Jay Greenwell, PLS, last revision date of March 21, 2012:
  - Sheet 1: Site Plan for Additional Parking, dated August 12, 2011
  - Sheet 2: Site Plan for Additional Parking, dated September 27, 2011
  - Sheet 3: Details, dated August 12, 2011
10. Additional Parking Planting Plan, prepared by Robert G. Torgersen, ASLA, dated February 16, 2012, last revision date of March 20, 2012.
11. Copies of Board Decisions: ACABOR #12-16, Approved Subject to Conditions, dated March 15, 2012 and PB #12-05, Preliminary Site Plan Approval Subject to Conditions, dated March 14, 2012, Neg. Dec.

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

1. The following note shall be placed on the Site Plan: “At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a

pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting.”

- 2.** The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
- 3.** The applicant shall comply with all previous Board decisions: ACABOR #12-16, Approved Subject to Conditions, dated March 15, 2012 and PB #12-05, Preliminary Site Plan Approval Subject to Conditions, dated March 14, 2012, Neg. Dec.
- 4.** The tree wells on the north side of the parking lot shall be corrected and tree protection shall be added.
- 5.** 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.
- 6.** 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)** The stormwater calculations show a drywell depth of 6.5 feet required to produce the runoff mitigation. The effective depth of the drywell shall be measured from the invert of the drywell to the invert of the overflow pipe leaving the drywell. Therefore the drywells shall be made one foot deeper. The drywell invert elevations shall be labeled on the “Drywells in Stone Surround Detail.”
  - 2)** The hood detail provided in the April 10, 2012 Greenwell memo is acceptable and shall be included in the Site Plan drawings.
  - 3)** The limit of disturbance noted in the May 4, 2012 Greenwell memo is acceptable and shall be included in the Site Plans as a map note.
  - 4)** Soil percolation test locations and results as indicated in the April 10, 2012 Greenwell letter shall be added to the Site Plan.
- 7.** 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.
- 8.** 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.

**9.** 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.

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

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

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

- One (1) foot radius from trunk per inch DBH

- Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:

- Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.

- Light Impacts Only – Installation of  $\frac{3}{4}$  inch of plywood or boards, or equal over the area to be protected.

The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

**13.** 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.

**14.** 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.

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

16. 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).

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

18. 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

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

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

The foregoing Resolution was made and moved by William Young and seconded by John Foody and carried as follows: Kevin Garvey, aye; Bruce Bond, absent; 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: May 9, 2012**  
**Town of Orangetown Planning Board**

**PB #12-24: One Ramland Road Generators and Chillers – Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision  
May 9, 2012**

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

RE: One Ramland Road Instruments Generators Plan: The application of Ramland Holding LLC, applicant, for Chesapeake Holdings Orangeburg LLC, owner, for Final Site Plan Review at a site known as “One Ramland Road Generators 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 1 Ramland Road, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.20, Block 1, Lot 24 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **May 9, 2012** at which time the Board made the following determinations:

Jay Greenwell, Martin Schiff, Jonathan Lally, Donald Brenner, and Patrick Hynes appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated May 2, 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 May 9, 2012.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., May 3, 2012.
4. A letter from Rockland County Department of Planning, signed Thomas B. Vanderbeek, P.E., Commissioner of Planning, dated May 9, 2012.
5. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated May 7, 2012.
6. A letter from Rockland County Department of Health, signed by Gregory Price, P.E., Public Health Engineer, dated March 21, 2012.
7. A letter from the Rockland County Sewer District No. 1., signed by Joseph La Fiandra, Engineer II, dated April 13, 2012.
8. Submitted at the meeting by the applicant, Lally Acoustical Consulting, a review of the potential noise transmission from new proposed Air-Cooled Chillers and Emergency Generators, dated April 27, 2012.
9. Specifications for Cummins Inc. Power Generation- Onan, dated July 26, 2010.
10. Draft copy of the ZBA #12-29, Performance Standards, dated May 2, 2012 and PB #12-15, Preliminary Site Plan Approval Subject to Conditions, dated April 11, 2012.
11. Preliminary Site Development Plan prepared by Jay Greenwell, PLS dated February 10, 2012, revised April 18, 2012.

The Board reviewed the plan.

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

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

1. The following note shall be placed on the Site Plan: “At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting.”
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The proposed application is for the approval of emergency generators at this time. The chillers have been removed at this time.
4. The proposed generator shall appear before the Town of Orangetown Zoning Board of Appeals for Performance Standard review.
4. The proposed generators shall comply with Section 4.18 of Chapter 43, “Zoning.” Noise attenuation shall be in accordance with the above code section.
5. Indicate on the site plan the height and type of fencing being proposed.
6. The Short Environmental Assessment Form appears to be in order.
7. The plan shall clearly indicate the final coverings for all disturbed areas.
8. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
  - 1) The concerns expressed in the April 9, 10 and May 10, 2012 letters from the Rockland County Department of Highways must be addressed and all required permits obtained.
  - 2) There shall be no net increase in stormwater runoff from the site.
  - 3) 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.
  - 4) A review shall be completed by Orange and Rockland Utility Company and any concerns addressed.
  - 5) It appears that there will be no changes to the signage for traffic circulation and to the site lighting. If there will be changes, updated plans shall be provided that meet all Town requirements regarding signage and lighting.
  - 6) Section 12.6.3.3 of the County of Rockland’s Sanitary Codes states that new fuel burning equipment installations or modifications to existing fuel burning equipments installations that have an input capacity of less than 500,000 BTU per hour are excepted from the provisions of Subsection 12.6.1 of this Article. If the proposed generators have input capacity of more than 500,000 BTU per hour, a review must be completed by the County of Rockland Department of Health and all requirement permits obtained from them.
  - 7) The Rockland County Department of Planning requests the opportunity to review any variances that may be requested from the Town of Orangetown Zoning Board of Appeals in order to implement the revised Site Plan, as required by New York State General Municipal Law, Section 239-m, (a)(v).

**9.** The Rockland County Department of Highway reviewed the proposed action and has determined that the installation of generators at this location should have a de-minimus impact upon county roads in the area.

**10.** This project requires a proposed underground electrical service and temporary utility access off Blaisdell Road. A Rockland County Highway Department Work Permit will be required for the proposed site improvements, and must be secured prior to the start of any excavation or construction on the site. The drainage ditch along the east side of Blaisdell Road must be restored in kind or improved so that a positive flow of water may continue in this area. The applicant shall be responsible to install and maintain adequate soil and control devices during construction as required.

**11.** The Rockland County Health Department advises the applicant that the Rockland County Sanitary Code Article XII, Section 12.6.0, requires applications for any combustion equipment with a heat input of greater than 500,000 BTU/hr.

**12.** 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.

**13.** The Bureau of Fire Prevention offered the following conditions, to be noted on the Site Plan:

- a) At the main entrance gate, the applicant shall install a key box for access keys,
- b) The road around the generators shall be 20 feet wide for Fire Truck access and stabilized to support emergency equipment, and
- c) Gas meter(s) shall be protected from damage.

**14.** The applicant shall follow all fire codes per the Town of Orangetown Bureau of Fire Prevention.

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

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

**17.** 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.

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
  - One (1) foot radius from trunk per inch DBH
  - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence

or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:

- Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
- Light Impacts Only – Installation of  $\frac{3}{4}$  inch of plywood or boards, or equal over the area to be protected.

The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

**19.** 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.

**20.** 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.

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

**22.** 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).

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

**24.** 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

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



**26.** 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 Condition #4 of the May 9, 2012 letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, Commissioner of Planning, for the following reasons:

**#4**

- The fire zones must be clearly marked on the site plan. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.

The Board held that the site the Town of Orangetown Bureau of Fire Prevention would mark the areas to be Fire Zones on the Site Plan.

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

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

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

**Dated: May 9, 2012**

**Town of Orangetown Planning Board**

**PB #12-23: The Point at Lake Tappan Site Plan - Consultation**

**Town of Orangetown Planning Board Decision  
May 9, 2012**

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

**RE:** The Pointe at Lake Tappan Site Plan: The application of Pearl River Veterans, LLC, owners, (Donald Brenner, attorney for the applicants) for Consultation at a site to be known as "The Pointe at Lake Tappan Site Plan", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located on the west side of Blue Hill South Road at the intersection of Veterans Memorial Drive and Blue Hill South Road, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 73.10, Block 1, Lot 4 in the OP & PAC zoning districts.

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 and Seth Cohen appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated May 2, 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 May 9, 2012.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 3, 2012.
4. A letter from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief, dated April 30, 2012.
5. Prior Board Decisions: PB #10-42, Two Year Extension to File, dated September 15, 2010, PB#07-56, Final Site/Subdivision Plan Approval Subject to Conditions, dated October 10, 2001, ACABOR #07-47, Approved Subject to Conditions, dated July 17, 2007 and PB #07-28, Preliminary Site/Subdivision Approval Subject to Conditions, dated July 11, 2007.
6. A report entitled; The Pointe at Lake Tappan, Pearl River, New York Reconfiguration of Project, dated April 2012.

**CONSULTATION: In view of the foregoing and the testimony before the Board, the applicant was provided with the following:**

1. The applicant is proposing a new concept that employs rental units as opposed to sale of the units. The original approved site plan consisted of a total of 142 homes being 128 two bedroom units and 14 three bedroom units with 2 car garages. The new concept consists of 160 units in ten (10) buildings. This new concept will require an amendment to the Town Board resolution #771 issued December 5, 2005.
2. The number of bedrooms in each proposed unit shall be disclosed.
3. Based on the acreage of 45 acres, the total number of units allowed under the

PAC zone is 180 without factoring in the other zoning bulk requirements, such as coverage, height, setback, etc...

4. A Zoning Bulk Table shall be provided for the new concept plan.
5. This is only a conceptual review and shall not be construed as a complete analysis of the proposed project.
6. The applicant is advised that revised SWPPP and Sanitary calculations shall be required for the change in the proposed subdivision layout.
7. The Town of Orangetown Bureau of Fire Prevention shall need construction drawings noting the building heights, siding materials, etc. for a complete review.

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

**Dated: May 9, 2012**  
**Town of Orangetown Planning Board**