

**Meeting of March 28, 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: John Giardiello, Director, Department of Building, Zoning, Planning Administration and Enforcement; Robert Magrino, Deputy Town Attorney; Richard Pakola, Deputy Town Attorney; Ann Marie Ambrose, Stenographer and Cheryl Coopersmith, Chief Clerk

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

Continued Item from the December 14, 2011 Meeting:

Jensen Plans

Prepreliminary/ Preliminary/
Final Site Plan and
SEQRA Review
Critical Environmental Area
66.17/1/10; R-22 zoning district

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

PB #11-57

New Items:

Brown Estates Minor Subdivision Plan

Prepreliminary/ Preliminary
Subdivision Plan
and SEQRA Review
74.20/ 1/ 9; RG zoning district

**Continued: Needs
Drainage**

PB #12-08

Spaeth Site Plan

Critical Environmental Area
Prepreliminary/ Preliminary Site Plan
and SEQRA Review
Critical Environmental Area
71.09/1/42.1; R-22 zoning district

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

PB #12-09

Hayes Subdivision Plan

Reapproval of Final Subdivision Plan
and Reaffirmation of SEQRA
70.09/ 1/ 41.1 & 33;
R-15 zoning district

**Reapproved Final
Subdivision and
Reaffirmation of SEQRA**

PB #12-10

Ron's Quality Automotive Site Plan

Recommendation to the Town Board to
Release the Performance Bond
69.13/1/21; CC zoning district

**Recommended for
Release**

PB #12-11

The decisions of the March 14, 2012 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Kevin Garvey and seconded by Bruce Bond and carried as follows: Kevin Garvey, aye; Bruce Bond, aye, Michael Mandel, aye, Jeffrey Golda, absent; Robert Dell, aye; John Foody, aye; and William Young, aye.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by John Foody and seconded by Bruce Bond and agreed to by all in attendance. The meeting was adjourned at 9:00 p.m. The next Planning Board meeting is scheduled for April 11, 2012.

DATED: March 28, 2012
Town of Orangetown Planning Board

**PB #11-57: Jensen Site Plan– Final Site Plan Approval
Subject to Conditions/ Neg. Dec.; Critical Environmental Area**

**Town of Orangetown Planning Board Decision
March 28, 2012**

**TO: Jarl Jensen, 21 Shadyside Avenue, Upper Grandview,
New York**
FROM: Orangetown Planning Board

RE: Jensen Site Plan: The application of Jarl Jensen, owner, for Prepreliminary/ Preliminary/ Final Site Plan review, at a site located in the Critical Environmental Area, known as "**Jensen 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 21 Shadyside Avenue, Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 66.17, Block 1, Lot 10, in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held, **Wednesday, December 14, 2011** and **March 28, 2012** at which time the Board made the following determinations:

December 14, 2011

Jarl Jensen appeared and testified for the applicant

The Board received the following communications:

1. A Project Review Committee Report dated December 7, 2011.
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 December 14, 2011.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated December 8, 2011.
4. A letter from Brooker Engineering, dated December 6, 2011.
5. Letters from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning, dated November 29, 2011.
6. Letters from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated November 30, 2011.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated December 6, 2011.
8. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 28, 2011.
9. A Short Environmental Assessment Form signed by Jarl Jensen, dated September 26, 2011.
10. Plans prepared by Garden Associates, dated January 3, 2011, revised September 21, 2011.

The applicant requested a **CONTINUATION**.

March 28, 2012

Jarl Jensen appeared and testified for the applicant

The Board received the following communications:

1. A Project Review Committee Report dated March 21, 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 28, 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 22, 2012.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated March 28, 2012.
5. Plans prepared by Garden Associates, dated January 3, 2011, revised March 9, 2012

Public Comment:

Rosemarie Monaco, 15 Shadyside Avenue, Upper Grandview, raised concerns regarding the impact of future development on the current drainage problem in the area.

Mr. Hines, 15 Shadyside Avenue, questioned the Board regarding taking responsibility if drainage problems occur after the area is developed.

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

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 Garden Associates, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Department of Highways, Rockland County Department of Health, Rockland County Sewer District #1, Rockland County Department of Planning, and having reviewed a proposed Site Plan by prepared by Garden Associates, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;

- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

On motion by William Young and seconded by Michael Mandel and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, aye; Robert Dell, aye; John Foody, aye; William Young, 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 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 is showing the proposed work over the existing water and sanitary sewer lines. The applicant shall ensure that those utilities are protected during construction. The plans shall show the location of the existing utilities.
4. The drainage calculations provided shall be signed and sealed by a New York State Licensed Professional Engineer.
5. Soil erosion and sediment control plans and details are under review by DEME. However, the proposed silt fence shall be reinforced with hay bales. A detail for same shall be provided.
6. The sanitary sewer house connection location shall be shown on the plan.
7. As the acting drainage consultant for the Town of Orangetown Planning Board, Brooker Engineering, recommends that the Jensen Residence Site Plan not be approved for drainage at this time because no drainage design or stormwater mitigation measures have been provided. Brooker reviewed the plans and provided the following comments:

Project Description

The dwelling is located on the east side of Riverview Avenue, in a Critical Environmental Area due to steep slopes. The property slopes downhill in an easterly direction towards Shadyside Avenue. The applicant is proposing to construct a patio, outdoor kitchen, water feature, retaining wall, and landscaping improvements in the rear of the property. The patio is approximately 45 feet by 25 feet and the overall site disturbance is approximately 4,000 square feet. The area of the improvements has grass ground cover and a moderate slope. The steeper sloped, heavily vegetated area of the property is located just downhill of the work area and is to remain undisturbed. There is easy construction access to the work area.

The project proposes approximately 1,000 square feet of additional impervious area. No drainage calculations have been submitted to support the additional impervious area. There is a drywell on the property which was presumably constructed as part of stormwater mitigation requirements for construction of the house. The drywell is shown in an approximate location near the southeast corner of the proposed patio. No lot coverage or drainage calculations were included as part of the Site Plan application. No post construction stormwater quality or detention is proposed.

Project Comments:

1. The applicant is proposing a relatively large amount of impervious area with no stormwater mitigation. Drainage calculations and mitigation should be prepared by a professional engineer. Potential stormwater detention methods include, but are not limited to, expansion of the existing drywell by adding additional crushed stone, a stormwater infiltration trench, rain garden, an additional drywell, etc. The engineer should try to disperse concentrated points of stormwater discharge prior to flowing down the vegetated undisturbed hillside on the property.
 2. The location of the drywell should be field verified. It should be demonstrated that the proposed patio and outdoor kitchen does not impact the homeowner's ability and responsibility to access and maintain the drywell.
 3. The Grading Plan sufficiently shows that stormwater runoff will be directed away from the house; however, the first floor and basement floor elevations should be added to the Site plan.
 4. A Sediment and Erosion Control Plan should be added to the plan. This should include details for silt fence and anti-tracking pavement. The location of the silt fence and anti-tracking pavement plan should be shown on the Sediment and Erosion Control Plan.
 5. A note should be added to the Site Plan, "Retaining walls over four feet in height shall be designed and the construction certified by a licensed professional engineer."
- 8.** Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
- A Bulk Table shall be added to the Site Plan that shows how the existing and proposed conditions relate to the applicable zoning district regulations.
 - There shall be no net increase in the rate of stormwater runoff from the site at all design points.
 - 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.
 - 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 Health (RCDOH), Environmental Health Program reviewed the Site Plan and found that no Rockland County Health Department approvals were needed for this application.

10. The Rockland County Department of Highways reviewed the Site Plan and information provided and found the proposed tree remediation will have no foreseeable adverse impact upon the County Highway System.

11. Rockland County Sewer District does not object to the plan as shown. This project does not affect any sanitary sewers within the District and no future correspondence is requested for this site.

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

- Rockland County Health Department
- Rockland County Sewer District #1
- Rockland County Department of Highways
- Rockland County Department of Planning

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, and 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.

The foregoing Resolution was made and moved by William Young and seconded by John Foody and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, aye; William Young, aye; John Foody, 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 28, 2012

Town of Orangetown Planning Board

attachment

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

**PB #11-57: Jensen Site Plan– Final Site Plan Approval
Subject to Conditions/ Neg. Dec.; Critical Environmental Area**

**Town of Orangetown Planning Board Decision
March 28, 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: Jensen Site Plan- Final Site Plan Approval

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review – Critical Environmental Area

LOCATION: The site is located at 21 Shadyside Avenue, Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 66.17, Block 1, Lot 10, in the R-22 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

The project will not have a significant impact upon the environment and a DEIS need not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels or existing external traffic patterns. In addition, it will have no impact upon the aesthetic, agricultural or cultural resources of the neighborhood. No vegetation, fauna or wildlife species will be affected as a result of this proposed 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

P B #12-09: Spaeth Site Plan – Final Site Plan Approval Subject to Conditions, Neg. Dec.

**Town of Orangetown Planning Board Decision
March 28, 2012**

TO: Terry Spaeth, 33 Tweed Boulevard, Upper Grandview, New York
FROM: Orangetown Planning Board

RE: Spaeth Site Plan: The application of Terry Spaeth, owner, for Prepreliminary/ Preliminary Site Plan Review at a site to be known as “Spaeth Site Plan”, located in the Critical Environmental Area, 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 33 Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 42.1 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held, **Wednesday, March 28, 2012** at which time the Board made the following determinations:

Wendy and Terry Spaeth, Seth Glasser and Meg Fowler appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated March 21, 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 28, 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 22, 2012.
4. Letters from Brooker Engineering, signed by Kenneth DeGennerio, P.E., dated March 27 & 20, 2012.
5. Letters from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, Commissioner of Planning, dated March 23 & 26, 2012.
6. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 1, 2012.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated March 19, 2012.
8. Letters from the New York State Department of Transportation, dated March 15, 2012, signed by March Jo Russo, Rockland County Permit Engineer.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, undated.
10. A letter signed by William D. Youngblood, PLS, dated March 26, 2012.
11. A Short Environmental Assessment Form, dated February 12, 2012, signed by Terry Spaeth.
12. Topographical Survey/Site Plan prepared by William D. Youngblood Land Surveying, dated October 6, 2011, revised February 21, 2012.
13. Architectural Plans prepared by Meg Fowler, R.A., dated December 20, 2011, revised February 10, 2012.
14. Addition and Renovation Plans prepared by Micucci Engineering dated February 21, 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 Michael Mandel and carried as follows:

Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; Michael Mandel, aye; Robert Dell, aye; John Foody, 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 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.

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 William Youngblood, PLS and Meg Fowler, R.A., and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Department of Health, Rockland County Sewer District #1, and New York State Department of Transportation, and having reviewed a the plans prepared by William Youngblood, PLS and Meg Fowler, R.A., a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources; -Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown’s Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

On motion by Bruce Bond and seconded by 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 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 application is for the reconstruction of wood decks with additional deck area and new deck footings. The short Environmental Assessment Form appears to be in order.
4. The applicant shall provide calculations on total new "impervious" decking. Also, the total amount of existing decking and the amount of proposed "overlap" shall also be provided.
5. The applicant shall describe the ground cover that is to be installed underneath/ below all decking.
6. The soil erosion and sediment control plans and details are under review by DEME. However, the proposed silt fence shall be reinforced with hay bales. A detail for same shall be provided.
7. The Drainage Consultant to the Planning Board, Brooker Engineering, recommends that the Spaeth Site Plan be approved for drainage with no conditions.
8. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - 1) A review must be completed by the County of Rockland Department of Highways and all required permits obtained.
 - 2) Earth tone materials shall be used for changes to the exterior of the house and for deck materials, in order to minimize negative visual impacts for those viewing the changes from off site.
9. The Rockland County Department of Highway had the following comments:
 - 1) Stabilized construction entrance and details shall be shown on the drawings.
 - 2) Two way bi-directional traffic along Tweed Boulevard must be maintained at all times during construction. The applicant shall offer a discussion on how large construction vehicles will access the site during construction without disrupting traffic flow. Any temporary closure may encounter will require posting of advanced warning signs and flagmen to assist the traveling public. For temporary traffic control along Tweed Boulevard during construction, requirements of latest MUTCD shall be followed.

3) Show limit of disturbance and indicate that the proposal will have 0% additional runoff as a result of this construction.

4) Add an E-W section to show the existing grade, section of the house, new pedestals and the deck. It is recommended the bottom of pedestal shall be at least 9" below exposed sloping grade to offer adequate edge distance of the Hilti expansion bolt.

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

11. 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.

12. The New York State Department of Transportation reviewed the plans and found that the project will not have a significant impact on the state transportation system. The site plans shall indicate a zero net increase in run off down to Route 9W due to the proposed modification.

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

- New York State Department of Transportation
- Rockland County Health Department
- Town of Orangetown Zoning Board of Appeals
- Rockland County Department of Highways
- Rockland County Sewer District #1

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

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

16. 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.

17. 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.

18. 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.

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

20. 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).

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

22. 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

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

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.

Override

The Board made a motion to override Condition #2 of the March 23, 2012 letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, Commissioner of Planning, for the following reasons:

#2. A review must be completed by the County of Rockland Department of Environmental Resources and any concerns addressed.

The Board held that the due to the diminimus scope of the project and the small disturbance of the construction, it was not warranted to required any further review.

A motion to override the condition was made and moved by Michael Mandel 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 and Jeffrey Golda, aye.

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

Dated: March 28, 2012

Town of Orangetown Planning Board

attachment

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

**P B #12-09: Spaeth Site Plan – Final Site Plan Approval Subject to
Conditions, Neg. Dec.**

**Town of Orangetown Planning Board Decision
March 28, 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: Spaeth Site Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan

LOCATION: The site is located at 33 Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 42.1 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 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 #12-10: Hayes Minor Subdivision – Reapproval of Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
March 28, 2012**

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

RE: The application of William J. Hayes, owner, (Donald Brenner, attorney for the applicant) for Reapproval of the Final Subdivision Plan review, at a site to be known as “Hayes Minor Subdivision Plan”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown and Reaffirmation of S.E.Q.R.A. The site is located at 626 Western Highway, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.09, Block 3, Lot 41.1 & 33 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, March 28, 2012**, the Board made the following determinations:

Donald Brenner appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated March 21, 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 28, 2012.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., March 22, 2012.
4. A letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, P.E., dated March 22, 2012.
5. A letter from Rockland County Highway Department, signed by Joseph Arena, Principal Engineering Technician, dated March 2, 2012.
6. A letter from the from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 1, 2012.
7. Copies of the following Board Decisions: PB#11-05, Final Subdivision Approval subject to Conditions, dated February 9, 2011 and PB #10-14, Preliminary Approval Subject to Conditions, dated April 14, 2010.
8. Subdivision Plan prepared by Robert Sorace, PLS, dated December 1, 2010, last revised December 2, 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; Michael Mandel, abstain; William Young, aye; Robert Dell, aye; John Foody, aye; and Jeffrey Golda, absent.

REAFFIRMATION OF SEQRA

Pursuant to New York Code, Rules & Regulations (NYCRR) Section 617.7, the Town of Orangetown Planning Board, as lead agency, for the reasons articulated

in this Board's analysis of all of the submissions by the applicant, interested agencies, departments and the public, with respect to this project including the Environmental Assessment Form, which reasons are summarized in the motion, hereby determines that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Robert Rahnenfeld, PLS and the Town of Orangetown's engineering consultant, HDR, 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: Rockland County Planning Department, Rockland County Department of Health, Rockland County Department of Highways, Rockland County Department of Health, and having reviewed a proposed Subdivision Plan by prepared by Robert Sorace, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

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

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

1. The following note shall be placed on the subdivision. " 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. The applicant shall comply with all pertinent and applicable conditions of previous Board Decisions: PB#11-05, Final Subdivision Approval subject to Conditions, dated February 9, 2011 and PB #10-14, Preliminary Approval Subject to Conditions, dated April 14, 2010.

4. Pursuant to the Rockland County Stream Control Act, the subdivision map must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk will accept the plan for filing.

5. The proposed action shall have a de-minimus impact upon the County Highway System. In accordance to note Number 3, the applicant is responsible to secure a permit from the Rockland County Highway Department prior to any excavating or construction on the site.

6. There are no Rockland County Health Department approvals needed for this application

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

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

9. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §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.

10. TREE PROTECTION: The following note shall be placed on the Subdivision 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.

11. All landscaping shown on the subdivision 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.

12. 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.

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

14. 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).

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

16. 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

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

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; Michael Mandel, abstain; William Young, aye; John Foody, 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 28, 2012
Town of Orangetown Planning Board
attachment

PB #12-10: Hayes Minor Subdivision – Reapproval of Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
March 28, 2012**

**REAFFIRMATION OF NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

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: Hayes Minor Subdivision

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Subdivision Plan Review

LOCATION: The site is located at 626 Western Highway, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.09, Block 3, Lot 41.1 & 33 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 #12-11

Ron's Quality Automotive Site Plan - Recommended to the Town Board to Release the Performance Bond

**Town of Orangetown Planning Board Decision
March 28, 2012**

TO: Ronald Lesica, 186 East Central Avenue, Pearl River, New York 10965
FROM: Orangetown Planning Board

RE: Ron's Quality Automotive Services Performance Bond: The application of Ronald Lesica, owner, for the Recommendation to the Town Board to Release the Performance Bond for "**Ron's Quality Automotive Services Performance Bond**", 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 186 East Central Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.13, Block 1, Lot 21 in the CC zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, March 28, 2012**, at which time the Board made the following determination:

The Board received the following communications:

1. Interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated March 28, 2012.
2. Interdepartmental memorandum signed by James Dean, Superintendent, Town of Orangetown Highway Department, dated March 8, 2012 and Joseph Moran, P.E., Commissioner, Department of Environmental Management and Engineering/Sewer Department, dated, dated February 14, 2012.
3. PB # 01-54, Recommendation to the Town Board to Establish the Value of Performance Bond dated April 25, 2001.

The Board reviewed the request.

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

RECOMMENDATION: In view of the foregoing, the Board Recommended to the Town Board to Release the Performance Bond.

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

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

Dated: March 28, 2012
Town of Orangetown Planning Board