

**TOWN OF ORANGETOWN PLANNING BOARD
Meeting of September 15, 2010**

MEMBERS PRESENT:

Bruce Bond, Chairperson; Kevin Garvey; Jeffrey Golda; John Foody;
Andy Stewart; William Young and Robert Dell

MEMBERS ABSENT: None

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

Bruce Bond, Chairperson called the meeting to order at 7:40 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:

Comito Construction Subdivision Plan Prepreliminary/Preliminary/ Final Subdivision Plan and SEQRA Review 77.20/1/19; R-15 zoning district	Final Approval Subject to Conditions Neg. Dec.	PB #10-39
Rockland Conservatory of Music Plan Prepreliminary/Preliminary/ Final Change of Use and SEQRA Review 68.20/1/45; CO zoning district	Final Approval Subject to Conditions Neg. Dec.	PB #10-40
St. Thomas Aquinas College Site Plan Athletic Field Site Plan Prepreliminary/Preliminary /Final Site Plan and SEQRA Review 74.20/1/2; LO zoning district	Continued: Needs Drainage	PB #10-41
The Pointe at Lake Tappan Site Plan Additional Two year Extension to File the Site/Subdivision Plan 73.10/1/4; OP & PAC zoning district	Granted Two year Extension	PB #10-42
Tracey Subdivision Plan Preliminary/Final Subdivision Plan Approval and SEQRA 70.18/2/6; R-15 zoning district	Final Approval Subject to Conditions Neg. Dec.	PB #10-43

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Postponed Items from the July 14, 2010 Meeting

Highland Mews at Sparkill Plan Prepreliminary/Preliminary Subdivision Plan, And SEQRA Review Sparkill Overlay Zone 77.08/5/49; CS zoning district	Continued: Needs Drainage	PB #10-30
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Highland Mews at Sparkill Plan Prepreliminary/Preliminary Site Plan and SEQRA Review Sparkill Overlay Zone 77.08/5/49; CS zoning district	Continued: Needs Drainage	PB #10-31
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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 Kevin Garvey and seconded by Bruce Bond and agreed to by all in attendance. The meeting was adjourned at 9:15 p.m. The next Planning Board meeting is scheduled for September 29, 2010.

DATED: September 15, 2010
Town of Orangetown Planning Board

PB #10-39: Comito Construction Subdivision Plan; Final Subdivision Plan Approval Subject to Conditions/Neg. Dec.

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TO: Jay Greenwell, 85 Lafayette Avenue, Suffern, New York 10901
FROM: Orangetown Planning Board
RE: Comito Construction Company Subdivision Plan: The application of Comito Construction Company, applicant, for Thomas Scott Holmes, owner, for Prepreliminary/Preliminary/Final Subdivision Plan Review, for a proposed 2 lot subdivision to be known as "Comito Construction Company 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 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 762 Route 340; on the West side of Route 340, 150 feet south of the intersection of Oak Tree Road, Palisades, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.20, Block 1, Lot 19 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 15, 2010**, the Board made the following determinations:

Jay Greenwell, Greg Comito and Marc Comito appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated September 8, 2010.
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 September 15, 2010.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., September 10, 2010.
4. A letter from HDR, signed by Harvey Goldberg, P.E., dated September 7, 2010.
5. Letters from Rockland County Department of Planning, signed by Eileen Miller, dated July 23, 2010 and Salvatore Corallo, Commissioner of Planning, dated September 2, 2010.
6. Letters from the Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated August 31, 2010.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated August 13, 2010.
8. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated July 15, 2010.

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9. A letter from the Rockland County Drainage Agency, signed by Shajan Thottakara, P.E., dated July 22, 2010.
10. Letters from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated August 26 and September 15, 2010.
11. A letter from Nick Suriani, abutting property owner, dated September 11, 2010
12. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated September 1, 2010.
13. A Short Environmental Assessment Form signed by Marc Comito, Comito Construction Corp., dated July 6, 2010.
14. Hydraulic Analysis and Stormwater Design Calculations prepared by Gdanski Consultants, Inc., dated July 6, 2010.
15. Plans prepared by Jay Greenwell, PLS, LLC, dated June 11, 2010:
 - Sheet 1: Subdivision Plan
 - Sheet 2: Grading, Drainage & Utility Plan with Erosion Control
 - Sheet 3: Details

Public Comment:

Hannes Barueckner, 768 Route 340, raised concerns regarding the impact of the proposed development on the existing drainage in the area. He noted that there is an existing water problem and the runoff has eroded his driveway.

Steve Geller, 755 Route 340, expressed concerns regarding the possible removal of significant trees along the property line.

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

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SEQRA. On motion by Kevin Garvey and seconded by William Young and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; Robert Dell, aye; John Foody, aye; Jeffrey Golda, aye 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 Jay Greenwell, PLS and Gdanski Consultants, Inc., 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 Planning, Rockland County Department of Highways, Rockland County Drainage Agency, Rockland County Department of Health, Rockland County Sewer District No.1, and having reviewed a proposed Subdivision plan by prepared by Jay Greenwell, PLS, dated June 11, 2010 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;

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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 Kevin Garvey and seconded by John Foody and carried as follows: Bruce Bond, aye; Andy Stewart, aye; Robert Dell, aye; John Foody, aye; William Young, aye; Jeffrey Golda, aye 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 FINAL SUBDIVISION PLAN APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. The following note shall be placed on the subdivision plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations

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3. The driveway opening of Lot #1 shall be relocated, since it presently sits opposite an existing driveway.
4. The Planning Board waives the requirement for review of this application by the Town of Orangetown Architecture and Community Appearance Board (ACABOR). The applicant shall make application to ACABOR for review and approval the individual lot development,
5. The existing structures on the property shall be removed prior to the Clerk signing the Subdivision Map.
6. The Short Environmental Assessment Form appears to be in order.
7. Trench drains shall be installed at the driveway entrances.
8. Profiles of the proposed driveways shall be provided.
9. The proposed silt fence shall be depicted to run along the contours, not across them.
10. The sight distance at the proposed driveway entrances shall be given on the plans.
11. The title of the sanitary building connection detail shall be altered by removing the words "Rockland County Sewer District No.1."
12. Upon review of the current submittal, the Planning Board's Drainage Consultant believes that the proposed plan can be revised to achieve a zero net increase in runoff rate from the developed site. The Consultant therefore recommends acceptance for drainage subject to the following conditions:

- Instead of a single 6-ft diameter drywell on Lot 1, it is recommended that a separate drywell be provided on each lot. Each drywell shall be 6-ft diameter by 4-ft deep with a 1.0-ft stone surround instead of 2.5-ft. This will provide runoff mitigation on both lots instead of one.

- Provide a cross sectional detail for the driveways where they meet Route 340. The driveways must be graded to prevent street runoff on Route 340 from running down the driveway. Include appropriate grade elevations in the detail.

- Provide a solid access cover at grade for each drywell.

- Additional conditions may be added based on response to these conditions.

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

A review shall be completed by the New York State Department of Transportation and all required permits obtained.

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Continued Condition #13....

If any existing septic tanks or wells will be removed or taken out of use, the plans for same shall be reviewed by the Rockland County Department of Health and any required permits obtained.

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

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

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

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

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.

There shall be no net increase in stormwater runoff from the site.

14. The Rockland County Department of Highway reviewed the plans and information provided and found the proposed action shall have a diminimus impact upon county roads in the area.

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15. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is not required based upon its review of the information provided. However, the site appears to be located in close proximity to mapped federal wetlands. The RCDA suggests that the U.S. Army Corps of Engineers be contacted by the lead agency and requested to make a jurisdictional determination regarding the proposed activity.

16. The Rockland County Stream Control Act, Chapter 846, requires that all subdivision maps be signed by Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.

17. 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.

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

19. The New York State Department of Transportation (NYSDOT) reviewed the plans and offered the following comments which are incorporated herein as conditions of approval:

- NYSDOT does not have any comments at this time. Once the subdivision has been approved and the proposed development goes to the Boards, the plans will be reviewed by NYSDOT. The plans will need additional detail such as driveway radius, cross section and landscaping.
- NYSDOT reviewed the possible revision to the site plans to include curbing along the frontage of the property. In this location, NYSDOT roadside drainage is designed to flow off the road to be absorbed in the grassed areas along the right of way. As this section of the road is relatively flat, the agency questions the feasibility of directing the drainage along the curb to the basin. NYSDOT is also concerned that the existing cross culvert is only 12 inches in diameter. It is recommended that the proposed curb be eliminated to maintain the existing drainage flow in the area.

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

- Rockland County Department of Planning
- Rockland County Sewer District No. 1
- Rockland County Drainage Agency
- Rockland County Department of Health
- Rockland County Department of Highways
- Town of Orangetown Zoning Board of Appeals
- New York State Department of Transportation

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

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

23. The following note shall be placed on the site plan:

TREE PROTECTION: 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.

24. All landscaping shown on the 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.

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25. 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.

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

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

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

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

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

The foregoing Resolution was made and moved by Kevin Garvey and seconded by William Young and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Andy Stewart, 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: September 15, 2010
Town of Orangetown Planning Board**

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

**PB #10-39: Comito Construction Subdivision Plan; Final Subdivision Plan
Approval Subject to Conditions/Neg. Dec.**

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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: Comito Construction Subdivision Plan – 2 lots

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Final Subdivision Plan Review

LOCATION: The site is located at 762 Route 340; on the West side of Route 340, 150 feet south of the intersection of Oak Tree Road, Palisades, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.20, Block 1, Lot 19 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 #10-40- Rockland Conservatory of Music Plan: Change of Use –
Final Approval Subject to Conditions/ Neg. Dec.**

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TO: Jeffrey Hall, R.A., 251 West 102nd Street, Suite 2A, New York,
New York, 10025
FROM: Orangetown Planning Board

RE: Rockland Conservatory of Music Plan: The application of Rockland Conservatory of Music, applicant, for Mirto and Marino Nicolich, owners, for Prepreliminary/Preliminary/Final Change of Use Review at a site to be known as “**Rockland Conservatory of Music 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 45 South Main Street Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 1, Lot 45 in the CO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **September 15, 2010** at which time the Board made the following determinations:

Jeffrey Hall and Marigene Kettler appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated September 8, 2010.
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 September 15, 2010.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., September 9, 2010.
4. Letters from Rockland County Department of Planning, signed by Eileen Miller and Salvatore Corallo, Commissioner of Planning, dated September 14, 2010.
5. Letters from the Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated August 31, 2010.
6. A letter from Rockland County Drainage Agency, signed by Shajan Thottakara, P.E., dated August 30, 2010.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated August 2, 2010.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated August 13, 2010.

**PB #10-40: Rockland Conservatory of Music Plan: Change of Use –
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9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated September 1, 2010.
10. A letter from Michael Bettmann, Chief, Bureau of Fire Prevention, Town of Orangetown, dated August 5, 2010.
11. A Short Environmental Assessment Form signed by Jeffrey Hall, R.A., dated June 15, 2010.
12. A letter signed by Jeffrey Hall, R.A., dated June 25, 2010 regarding no exterior changes or disturbances to the existing footprint, roof, sidewalks or paved areas.
13. A Plan prepared by Jeffrey Hall, R.A., dated June 15, 2010.
14. Copy of Building Permit Referral to the Planning Board, dated July 2, 2010.
15. A letter signed by John Aiello, dated August 25, 2010.
16. A letter from Colleen Vanderhoef, dated September 1, 2010.

Public Comments:

Chad Murdock: 15 Birch Street, Pearl River; supported the proposed Change of Use proposal and held that the Conservatory of Music would bring people to downtown Pearl River.

Annette Savite, 17 Peach Street, a resident of Orangetown and former Board Member of the Conservatory of Music, supported the proposal. She said that when she had a child who took classes at the school, she and other parents would drop off the students and stay and shop locally. The Conservatory would be a good thing for Pearl River merchants.

A motion was made to close the Public Hearing portion of the meeting by Kevin Garvey and second by William Young and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; Robert Dell, aye; John Foody, aye; Jeffrey Golda, aye 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 Kevin Garvey and seconded by William Young and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; Robert Dell, aye; John Foody, aye; Jeffrey Golda, aye and Kevin Garvey, aye the Board declared itself Lead Agency.

**PB #10-40: Rockland Conservatory of Music Plan: Change of Use –
Final Approval Subject to Conditions/ Neg. Dec.**

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Jeffrey Hall, 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: Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Drainage Agency, Rockland County Department of Health, Rockland County Sewer District No.1, and having reviewed a proposed Change of Use Plan by prepared by Jeffrey Hall, R.A. dated June 15, 2010 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.

**PB #10-40: Rockland Conservatory of Music Plan: Change of Use –
Final Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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On motion by Kevin Garvey and seconded by John Foody and carried as follows: Bruce Bond, aye; Andy Stewart, aye; Robert Dell, aye; John Foody, aye; William Young, aye; Jeffrey Golda, aye and Kevin Garvey, aye the Board made a Negative Declaration pursuant to SEQRA.

The Board reviewed the plan.

DECISION: In view of the foregoing and the testimony before the Board, the application was GRANTED A FINAL 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. This application is a Change in Use of an existing building to a “School of Special Instructions”, specifically a conservatory of music, which is permitted by right in a CO zoning district.
4. The parking requirements are one space per 300 square feet or one space per 12 students for a school of special instruction. Based on the “Concert Space of 80 persons” then 7 parking spaces would be required. Parking exists at the rear of the building and on South Main Street. Please be advised that this use requires no more parking than the prior use which was Star Press.
5. The existing property is covered by the building and pavement and no exterior changes are proposed.
6. The Short Environmental Assessment Form appears to be in order.

**PB #10-40: Rockland Conservatory of Music Plan: Change of Use –
Final Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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7. Parking stalls shall be shown at the rear of the property, if feasible.
8. Since the proposed change in use will have no significant impact on Muddy Creek, a County –regulated stream, the Rockland County Department of Planning remand this matter for local determination.
9. The Rockland County Department of Highway reviewed the plans and information provided and found the proposed action should have a diminimus impact upon county roads in the area.
10. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is not required based upon its review of the information provided.
11. The Rockland County Department of Health Reviewed the application and plans and based on the information provided there are no Rockland County Health Department approvals needed for this application.
12. 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.
13. The Town of Orangetown Fire Prevention Bureau had the following comments:
 - Install an NFPA 13 compliant sprinkler system with a 4” Storz Connection for the FDC. Maintain the system in compliance with NFPA 25. Provide Drawings for proposed Fire Sprinkler for approval from Town of Orangetown Fire Prevention Bureau before work begins.
 - Install and maintain an NFPA 72 compliant Fire Alarm System. Connect to Rockland County 44-Control, with two (2) Copper phone lines (POTS) Transmitting in Contact ID Format, with Amber and Red strobes, as per Town of Orangetown Code. Provide Drawings and cut sheets for all appliances for Fire Alarm system to Town of Orangetown Fire Prevention Bureau for approval before work begins.
 - Install and maintain Portable Fire Extinguishers as required by NFPA 10.
 - Install and maintain Emergency Lighting as per NEC.
 - Install Key Box and Provide Keys.
 - Show No Parking/Fire Zones on Final Approved Site Plan.
14. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
 - Rockland County Department of Planning
 - Rockland County Department of Highways
 - Rockland County Drainage Agency
 - Rockland County Health Department
 - Town of Orangetown Zoning Board of Appeals
 - Rockland County Sewer District No.1

**PB #10-40: Rockland Conservatory of Music Plan: Change of Use –
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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. 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.

18. 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.

**PB #10-40: Rockland Conservatory of Music Plan: Change of Use –
Final Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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19. 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.

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

21. 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).

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

23. 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

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

The foregoing Resolution was made and moved by Kevin Garvey, seconded by John Foody and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, aye; Jeffrey Golda, aye 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: September 15, 2010
Town of Orangetown Planning Board**

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

**PB #10-40- Rockland Conservatory of Music Plan: Change of Use - Final
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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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: Rockland Conservatory of Music Plan: Change of Use

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Change in Use

LOCATION: The site is located at 45 South Main Street Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 1, Lot 45 in the CO 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 #10-42: The Pointe at Lake Tappan Site Plan/Subdivision Plan
Additional Two Year Extension to File the Site Plan/Subdivision Plan**

**Town of Orangetown Planning Board Decision
September 15, 2010
Page 1 of 2**

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

RE: Pearl River Veterans, LLC- The application of Pearl River Veterans, LLC, owners, (Donald Brenner, attorney for the applicants) for an additional Two Year Extension to File the Site Plan for a proposed Adult Community to be known as “**The Pointe at Lake Tappan Site Plan/Subdivision Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located 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 **September 15, 2010** at which time 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 September 8, 2010.
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 September 15, 2010.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., September 10, 2010.
4. A letter signed by Donald Brenner, P>E., LL.B., dated August 4, 2010.
5. A copy of Other Business dated March 11, 2009.

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

The Board reviewed the request for the extension.

**PB #10-42: The Pointe at Lake Tappan Site Plan/Subdivision Plan
Additional Two Year Extension to File the Site Plan/Subdivision Plan
Town of Orangetown Planning Board Decision
September 15, 2010
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DECISION: In view of the foregoing and the testimony before the Board, the application was **GRANTED A TWO YEAR EXTENSION TO OCTOBER 10, 2012, TO FILE THE SITE PLAN/SUBDIVISION PLAN SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The applicant shall satisfy all the conditions of the approved Board decisions. Should any changes in approved requirements occur during the two year extension period, then the applicant shall appear before the Planning Board to address such changes.

2. The applicant still needs to comply with PB #07-56 conditions #11, #16, #20 and #21:

#11. The revised drainage report/stormwater management plans is currently under review by DEME. However, because the site is to be private, a maintenance agreement, in accordance with NYSDEC Phase II Regulations, for the proposed stormwater systems, shall be submitted to DEME and the Town Attorney's Office for review and approval, in substance and form. 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.

#16. All proposed sanitary mains shall be easemented to the Town Sewer Department for access and maintenance, this shall be reflected on the drawings. The easements shall be at least **15 feet wide (off road) and 24 feet wide (in the road, i.e. the proposed width of the road)** and in a form acceptable to DEME and the Town Attorney's Office. The metes and bounds for the easements shall be depicted on the drawings.

#20. Iron pins shall be drawn and labeled at each property corner.

#21. A note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.

3. Conspan detail is missing from sheet C-5.06 (as referenced on drawing C-2.01.) Also, Sheet C-5.07 is missing from plan set.

4. A Performance Bond will be required. However, the Bond can not be calculated until **all** of the conditions of Final Approval have been satisfied.

The foregoing Resolution was made and moved by Kevin Garvey, seconded by John Foody and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, aye; Jeffrey Golda, aye 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: September 15, 2010

Town of Orangetown Planning Board

PB #10-42: Tracey Subdivision; Final Subdivision Plan Approval subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
September 15, 2010
Page 1 of 10**

TO: Donald Brenner, P.E., LL.B.; 4 Independence Avenue;
Tappan, NY 10983
FROM: Orangetown Planning Board
RE: The application of the Patricia and Michael Tracey, owners for Preliminary/Final Subdivision Plan Review for a 2 lot subdivision to be known as “**Tracey Subdivision Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 525 Western Highway, Blauvelt, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 70.18, Block 2, Lot 6 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 15, 2010**, at which time the Board made the following determinations:

Donald Brenner appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Report dated September 8, 2010.
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 September 15, 2010.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated September 10, 2010.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated March 6, 2009.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated September 1, 2010.
6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated September 7, 2010.
7. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated July 20, 2010.
8. Subdivision Plans prepared by William Youngblood Land Surveying, dated September 20, 2006:
 - Drawing 1: Final Subdivision, last revised July 7, 201008
 - Drawing 2 of 4: Grading, Utility Plan, last revised July 7, 2010
 - Drawing 3 of 4: Detail Plan, last revised December 16, 2008
 - Drawing 4 of 4: Tree Plan

PB #10-42: Tracey Subdivision; Final Subdivision Plan Approval subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
September 15, 2010
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9. Copies of PB #09-40, 1st 90 Day Extension to File Subdivision, dated July 8, 2009; PB #08-42, Reapproval of Final Approval Subject to Conditions, dated November 12, 2008; PB #07-42, Final Planning Board Approval Subject to Conditions, dated June 27, 2007; ACABOR #07-33, Approved Subject to Conditions, dated May 15, 2007, ZBA #07-32, Approved with Conditions, dated April 12, 2007, and PB #06-84, Preliminary Approval Subject to Conditions, dated January 24, 2007.

10. A letter signed by Donald Brenner, P.E., LL.B., dated October 3, 2008.

The Board reviewed the plans.

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 Kevin Garvey and seconded by Andy Stewart and carried as follows:

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

PB #10-42: Tracey Subdivision; Final Subdivision Plan Approval subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
September 15, 2010
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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Donald Brenner, P.E., LLB, and William Youngblood Land Surveying; and the Town of Orangetown's engineering consultant, Henningson, Durham & Richardson (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 Department of Planning, Rockland County Department of Highways, Rockland County Drainage Agency, Rockland County Department of Health, Rockland County Sewer District No.1 and having reviewed a proposed Site Plan by prepared by William Youngblood Land Surveying, dated September 20, 2006: 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.

PB #10-42: Tracey Subdivision; Final Subdivision Plan Approval subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

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On motion by Kevin Garvey and seconded by John Foody and carried as follows: Bruce Bond, aye; Andy Stewart, aye; Robert Dell, aye; John Foody, aye; William Young, aye; Jeffrey Golda, aye 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 FINAL SUBDIVISION APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

- 1.** The following note shall be placed on the Subdivision 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 Subdivision 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 pertinent and applicable conditions of the previous Board decisions: PB #09-40, 1st 90 Day Extension to File Subdivision, dated July 8, 2009; PB #08-42, Reapproval of Final Approval Subject to Conditions, dated November 12, 2008; PB #07-42, Final Planning Board Approval Subject to Conditions, dated June 27, 2007; ACABOR #07-33, Approved Subject to Conditions, dated May 15, 2007, ZBA #07-32, Approved with Conditions, dated April 12, 2007, and PB #06-84, Preliminary Approval Subject to Conditions, dated January 24, 2007.
- 4.** The applicant shall reconfirm the Zoning Board of Appeals variances granted as part of the ZBA #07-32 decision dated April 12, 2010. The variances granted at that time have expired.
- 5.** Because the Perc Rate is assumed, a field Perc Test shall be administered prior to receiving **final approval for the Subdivision plan**, to ensure adequacy of designed drainage system. The applicant's engineer shall provide a copy of the field Perc Test to DEME and the Building Department.
- 6.** The applicant shall provide DEME with the written approvals for both the new septic system for proposed Lot #2 as well as the approval for the existing septic system for Lot #1 to remain on proposed Lot #2, from the Rockland County Health Department.
- 7.** The Drainage Consultant to the Planning Board recommendations acceptance for drainage without conditions.

PB #10-42: Tracey Subdivision; Final Subdivision Plan Approval subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
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8. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:

- The concerns expressed in the June 15, 2009 letter from the Rockland County Highway Department shall be addressed and all required permits obtained.
- Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages and County with an adequate supply of water. A letter from the public water supplier, stamped and sealed by a NYS licensed professional engineer, shall be issued to the municipality for this project, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.
- If any public water supply improvements are required, engineering plans and specification for these improvements shall be reviewed by the Rockland County Department of Health, prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.
- 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 (RCDA) before the Rockland County Clerk will accept for filing.
- 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.
- There shall be no net increase in storm water runoff from the site.
- The site is the Jacob J. Blauvelt Homestead, c. 1780. The house on the property is considered to be a largely intact example of 18th Century Dutch Colonial residential architecture with additional significance due to regionally importance persons who have lived in the house. The property's historical significance has been recognized with a marker placed on the site by the Historical Society of Rockland County. It was also identified in a number of historic surveys of site and structures. In considering the subdivision plan, maintenance of the historic house and the related structures and features that are part of its historic setting shall be the goal, to the extent feasible.

PB #10-42: Tracey Subdivision; Final Subdivision Plan Approval subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
September 15, 2010
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9. The Rockland County Department of Highway has reviewed the plans and information and offers the following comments:

A copy of the latest drainage calculations prepared for this project shall be provided to the County Highway for additional review and record.

A Rockland County Highway Department Work Permit will be required for development of Lot #2 and must be secured prior to the start of any constructing or excavation on site.

The applicant shall be aware that under the Drainage Section of the Rockland County Highway Department Standard Specifications, a Drainage Maintenance Fee of \$500.00 per legal tax lot will be imposed on each subdivision and/or site plan.

Separate additional Road Opening Permits will be required from the Rockland County Highway Department for the Sewer and Utility Connections required within the paved area of Western Highway.

The Highway Department concurs with the concept of utilizing a common shared driveway to service the two lots. The Highway Department also favors the design that does not require any alteration to the existing sidewalk and concrete curbing along Western Highway. Should the applicant require any changes to the width of the existing driveway access off the roadway, an additional review and approval will be required from the Rockland County Highway Department.

10. The Rockland County Department of Health approved plans for the proposed subsurface disposal system for this project on July 16, 2009 and has no objection to the existing dwelling continuing to use of the existing system.

11. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is in close proximity to the Sparkill Creek floodplain. The RCDA is unable to make a jurisdictional determination concerning the proposed project based upon the information submitted. In that regard, the applicant shall submit it proposed stormwater management plan, drainage plan and drainage calculations and any and all environmental impact statements, environmental assessment forms or environmental studies regarding the proposed site development to RCDA for further review.

PB #10-42: Tracey Subdivision; Final Subdivision Plan Approval subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
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12. Prior to signing the Subdivision Map, the applicant shall provide Money in Lieu of Recreational Land, in accordance with Section 21-20 of the Land Development Regulations of the Town of Orangetown; \$9,000.00 for every new residential lot created. The applicant shall also provide money to be placed into the Stream Maintenance Fund, at the amount of \$80.00 for every new residential lot created.

13. The Town of Orangetown Fire Prevention Bureau recommends that the driveway be constructed to allow access for fire apparatus in all weather. This shall include features of both width and weight. The driveway should support the weight of heavy apparatus. Some apparatus exceeds 45,000 pounds. Also, the construction should include drainage pipes install under the driveway. Secondly, the Fire Prevention Bureau recommends that the entrance to the driveway should not be impeded by planting or columns, which would affect the turning radius of fire apparatus entering the driveway.

14. Driveway shall be stabilized to support emergency response equipment (75,000 lbs) as per the 2003 building code. Also, there shall be no parking fire zone lane along the entire length of the long driveway. Any necessary signage shall be installed before a Certificate of Occupancy is issued for the houses, and shown on the Final Approved Site Plan.

15. A note shall be placed on the plan in regards to an agreement to maintain the required signage by the homeowner for the long driveway.

16. The applicant's eastern proposed lot borders Town of Orangetown property which is a Rail-Trail. This section of the Rail-Trail will be further developed in the future. The applicant shall re-label the map to reflect this and consider additional screening at the rear of lots #2 and #3.

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

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

19. 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:

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**Town of Orangetown Planning Board Decision
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Continuation of Condition #19.....

- 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.

20. 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.

21. 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.

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

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23. 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).

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

25. 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

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

The foregoing Resolution was made and moved by Kevin Garvey and seconded by William Young, aye and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, aye; Jeffrey Golda, aye 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: September 15, 2010

Planning Board

BY: _____

decd.

Planning Board OBZPAE RC Planning RC Drainage RC Highway
Env. Mgt. Eng. HDR Town Board Assessor Town Attorney
PRC Supervisor

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

**PB #10-42: Tracey Subdivision; Final Subdivision Plan Approval subject to
Conditions/ Neg. Dec.**

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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: Tracey Subdivision

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Final Subdivision Plan Review

LOCATION: The site is located at 525 Western Highway, Blauvelt, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 70.18, Block 2, Lot 6 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