

**TOWN OF ORANGETOWN PLANNING BOARD
MEETING OF SEPTEMBER 16, 2009**

MEMBERS PRESENT: Robert Dell, Chairperson, Bruce Bond, Vice-Chairperson, Kevin Garvey (arrived 8:20 p.m.), Andy Stewart, John Foody, William Young and Jeffrey Golda

MEMBERS ABSENT: None

ALSO PRESENT: John Giardiello, Director, Department of Building, Zoning, Planning Administration and Enforcement (departed meeting at 8:50 p.m.); Robert Magrino, Deputy Town Attorney; Richard Pakola, Deputy Town Attorney; Ann Marie Ambrose, Stenographer and Cheryl Coopersmith, Chief Clerk

Robert Dell, Chairperson, called the meeting to order at 7:38 p.m. Mr. Stewart and 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:

Orangeburg Warehouse Facility Site Plan Recommendation to the Town Board to Release the Performance Bond 74.15/1/21; LI zoning district	Denied the Release of the Performance Bond	PB #09-46
Driscoll Subdivision Plan Recommendation to the Town Board to Call the Performance Bond Term 68.12/2/5.1 & 5.2; RG zoning district	Recommended Calling the Performance Bond	PB #08-47
135 South Highland Avenue Resubdivision Plan Final Resubdivision Plan 68.15/2/77 & 78; R-15 zoning district	Final Resubdivision Approval Subject to Conditions	PB #09-48
The Esplanade Palisades Site Plan Prepreliminary/Preliminary Site Plan and SEQRA Review 78.17/2/1; R-40 zoning district	Continued: Needs Drainage	PB #09-49
Orange and Rockland Utilities, Inc. Site Plan – Corporate Drive Substation Verizon Wireless Site Prepreliminary/Preliminary Site Plan, Conditional Use Permit and SEQRA Review 73.15/1/19; LIO zoning district	Preliminary Site Plan Approval Subject to Conditions/Neg. Dec.	PB #09-26

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A motion was made at 7:39 p.m. to move into Executive Session by Bruce Bond and second by William Young and agreed by all in attendance.

At 8:00 p.m. a motion was made to close Executive Session. The motion was made by Bruce Bond and second by William Young and agreed by all in attendance.

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 Robert Dell and seconded by Kevin Garvey and agreed to by all in attendance. The meeting was adjourned at 9:30 p.m.

The next Planning Board meeting is scheduled for September 30, 2009.

**DATED: September 16, 2009
Town of Orangetown Planning Board**

PB #09-46: Orangeburg Warehouse Facility Site Plan– DENIED Release of the Performance Bond

TOWN OF ORANGETOWN PLANNING BOARD RECOMMENDATION

September 16, 2009

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TO: Richard Birdoff, RD Management LLC, 810 Seventh Avenue, 28th Floor, New York, New York 10019

FROM: Orangetown Planning Board

RE: Orangeburg Warehouse Facility Site Plan: The application of FB Orangetown LLC, owner, for a Recommendation to the Town Board to Release the Performance for a site to be known as the “**Orangeburg Warehouse Facility Site Plan**” in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located a 2 Greenbush Road and 170 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York and as Section 74.15, Block 1, Lot 21 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 16, 2009**, at which time the Board made the following determinations:

The Board received the following communications:

1. A Project Review Committee Report dated September 9, 2009.
2. An interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated September 16, 2009.
3. An interdepartmental memorandum signed by James J. Dean, Superintendent, Highway Department, Town of Orangetown, and Ronald Delo, Director, Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated September 9, 2009.
4. An interdepartmental memorandum requesting review for the reduction of the Performance Bond, dated June 29, 2009.
5. A letter signed by Richard Birdoff, RD Management LLC, dated June 25, 2009 requesting Release of Performance Bond #2.
6. A copy of PB #03-48, Recommendation to the Town Board to Establish the Performance for the Orangeburg Wholesale Warehouse Facility Site Plan, dated April 9, 2003.

The Board discussed the Request to Release the Performance Bond.

PB #09-46: Orangeburg Warehouse Facility Site Plan– DENIED Release of the Performance Bond

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

RECOMMENDATION: In view of the foregoing, the Board **DENIED the request to recommend to the Town Board to release the Performance Bond of the Orangeburg Warehouse Facility Site Plan** based upon the recommendation of the interdepartmental memorandum signed by James J. Dean, Superintendent, Highway Department, Town of Orangetown, and Ronald Delo, Director, Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated September 9, 2009.

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

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

Dated: September 16, 2009

Town of Orangetown Planning Board

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

PB #09-47: Driscoll Subdivision - Recommendation to the Town Board to Call the Performance Bond

TOWN OF ORANGETOWN PLANNING BOARD RECOMMENDATION

September 16, 2009

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TO: Yocharan Waldman; Waltz Developers Corporation; 49 Summit Avenue
Spring Valley, New York 10977

FROM: Orangetown Planning Board

RE: A Recommendation to the Town Board to Call the Performance Bond for the "**Driscoll Subdivision**", which expired on December 8, 2006, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown and Chapter 21 of the Code of the Town of Orangetown. The site is located at 42 & 44 Crooked Hill Road, Pearl River, Town of Orangetown, Rockland County, New York and shown on the Orangetown Tax Map as Section 68.12, Block 2, Lots 5.1 & 5.2 in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 16, 2009**, at which time the Board made the following determination:

The Board received the following communications:

1. Project Review Committee Report dated September 9, 2009.
2. An Interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated September 16, 2009.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 9, 2009.
4. An interdepartmental memorandum signed by James Dean, Superintendent of Highways, Town of Orangetown, dated July 30, 2009.
5. An Interdepartmental memorandum signed by Robert Magrino, Deputy Town Attorney, Office of Town Attorney, Town of Orangetown, dated August 5, 2009.
6. PB #08-09, Recommendation to the Town Board to Call the Performance Bond, dated February 13, 2008.
7. A copy of a letter to Mr. Yocharan Waldman, Waltz Developers Corporation, from the Planning Board, dated August 6, 2009.

The Board reviewed the plan.

PB #09-47: Driscoll Subdivision - Recommendation to the Town Board to Call the Performance Bond

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Public Comment:

Donald Brenner, resident of Orangeburg, requested information regarding the type of bond.

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; Andy Stewart, aye; Jeffrey Golda, aye; John Foody, aye; Robert Dell, aye; William Young, aye; and Kevin Garvey, aye.

RECOMMENDATION: In view of the foregoing, the Planning Board Recommended to the Town Board to CALL THE PERFORMANCE BOND IN THE SUM OF \$6,120.00 TO FINISH THE OUTSTANDING ITEMS per the interdepartmental memorandum signed by James Dean, Superintendent of Highways, Town of Orangetown, dated July 30, 2009:

ITEMS

- 2 "No Parking" Sign
- 2 "Limited Sight Distance" signs
(Cost to provide and install = \$500.00)
- 140 linear feet of Belgium block curbing
(Cost to install = \$4,620.00)
- Removal of existing driveway of Lot #1
(Cost = \$1,000.00)

Total cost related to Highway related items = \$6,120.00

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

Dated: September 16, 2009
Town of Orangetown Planning Board

**PB #09-47: 135 South Highland Avenue Resubdivision
Final Resubdivision Approval Subject to Conditions**

TOWN OF ORANGETOWN PLANNING BOARD DECISION

September 16, 2009

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TO: Anthony Benedict, Esq., 500 Airport Ex. Park, Suite 502, Nanuet,
New York 10954

FROM: Orangetown Planning Board

RE: **135 South Highland Avenue Resubdivision Plan:** Application of 135 South Highland Avenue, LLC by Suzanne Pfister, applicant for 135 South Highland Avenue, LLC, owner (Anthony J. Benedict, Attorney for the applicant) for Final Resubdivision Plan Review for a site to be known as "**135 South Highland Avenue Resubdivision 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 135 South Highland Avenue, Pearl River, New York. Tax Map Numbers: Section 68.15, Block 2, Lots 77 & 78; in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 16, 2009**, at which time the Board made the following determinations:

Anthony Benedict, Bob Pedro and Jay Greenwell appeared and testified.

1. Project Review Committee Report dated September 9, 2009.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated September 16, 2009.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 9, 2009.
4. Letters from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated August 13 and July 7, 2009.
5. A letter from Rockland County Highway Department, signed by Sonny Lin, P.E., dated August 27, 2009.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated August 3, 2009.
7. A letter from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Fire Inspector, dated August 18, 2009.
8. A letter from Sheila Breunig, 185 Center Street, Pearl River, and abutting property owner, dated September 16, 2009.

**PB #09-47: 135 South Highland Avenue Resubdivision
Final Resubdivision Approval Subject to Conditions**

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9. Plans prepared by Jay Greenwell, PLS, dated September 18, 2008, revised July 10, 2009:

Drawing 1: Minor Subdivision

Drawing 2: Conceptual House Layout

10. Copies of Board Decisions: ZBA #09-46, Lot Width, Front Yard, Side Yard, Total Side Yard and Building Height Variances Approved for Lot #1 and Street Frontage Variance Approved for Lot #2, Subject to General Conditions, dated July 15, 2009 and PB #09-25, Preliminary Approval Subject to Conditions, dated July 8, 2009.

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 Robert Dell 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.

DECISION: In view of the foregoing and the testimony before the Board, the application was GRANTED A FINAL RESUBDIVISION 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.
3. The applicant shall comply with all applicable and pertinent conditions of all previous Board Decisions: ZBA #09-46, Lot Width, Front Yard, Side Yard, Total Side Yard and Building Height Variances Approved for Lot #1 and Street Frontage Variance Approved for Lot #2, Subject to Conditions, dated July 15, 2009 and PB #09-25, Preliminary Subdivision Approval Subject to Conditions, dated July 8, 2009.

**PB #09-47: 135 South Highland Avenue Resubdivision
Final Resubdivision Approval Subject to Conditions**

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

1) As required by the Rockland County Stream Control Act, the subdivision plat must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the subdivision plat for filing.

2) Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place that meets the New York State Guidelines for Urban Erosion and Sediment Control.

5. A note shall be placed on the Subdivision plan stating that there will be no further subdivision of Lot #2. The applicant agreed to increase the Conservation Easement to a minimum of 100 feet. A legal Document shall be submitted for the review and approval in form and substance by the Town Attorneys Office.

6. When the owner of Lot #2 proposes to develop the property, they shall submit a Site Plan for Planning Board review and approval.

7. Based upon the Rockland County Drainage Agency's (RCDA) evaluation of available mapping and the 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 Chapter 846, Rockland County Stream Control Act, is not requested based upon its review of the information provided.

8. In accordance with the Rockland County Stream Control Act, Chapter 846, all subdivision maps must be signed by the Chairman of the Rockland County Drainage Agency (RCDA) before the Rockland County Clerk will accept for filing. The final approved subdivision map must be submitted to the RCDA for review.

9. The Rockland County Department of Health reviewed the plan and found that no approvals from the Rockland County Health Department are necessary for this application. When development is proposed for Lot #2, approval from the Bureau of Mosquito Control will be needed for stormwater management system.

10. The Town of Orangetown Fire Prevention Bureau had the following comments and are conditions of approval:

a. The proposed driveway for access to lot #2 is shown at a width of 20 feet, due to the need for emergency vehicle access and egress from the property. This width must be maintained at 20 feet from the inside of each curb, and to within 50 feet of the proposed future structure.

b. The planting of any trees, shrubs, etc., cannot be permitted to impede upon the driveway width and must allow a vertical clearance of 13 feet 6 inches. This must be maintained in the future as a condition of approval.

c. The driveway must be able to withstand the weight of 75,000 lbs. (fire apparatus)

d. Parking within the driveway shall not be permitted, except for designated area which must be indicated on future site plan prior to approval.

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11. The following note shall be placed on the subdivision map:

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.

12. 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.

13. 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.

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

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15. 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).

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

17. 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

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

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

20. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the subdivision plan.

Overrides

The Board made the following motions pursuant to General Municipal Law § 239 –m(5) to override Conditions #2 #4, #5, and #6 of the July 7, 2009 letter from Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning:

“Condition #2). Drainage plans and calculations for the subdivision plat shall demonstrate that there will be no net increase in stormwater runoff from the subject property.”

The Board held that Lot #2 will be reviewed for drainage when it appears in front of the Planning Board for development as a full Site Plan Review.

**PB #09-47: 135 South Highland Avenue Resubdivision
Final Resubdivision Approval Subject to Conditions**

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Overrides Continued...

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

“#Condition 4). 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.”

The Board held that at the time of Site Plan review, the applicant would be required to appear in front of the Planning Board for development as a full Site Plan Review and the usage of water would be reviewed.

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

“#Condition 5). 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.”

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Overrides Continued...

The Board held that at the time of Site Plan review, the applicant would be required to appear in front of the Planning Board for development as a full Site Plan Review.

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

“Condition #6). Public sewer mains requiring extension within a right of way or an easement shall be reviewed and approved by the Rockland County Health Department prior to construction.”

The Board held that no site plan was being review for the front lot and that the front lot was already being served by public sewers. The rear lot will not require sewers at this time, and should be handled at the time of Site Plan some time in the future when application is made for development of the site.

The foregoing Resolution was made and moved by Bruce Bond and seconded by Kevin Garvey 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 16, 2009
Town of Orangetown Planning Board**

Planning Board
Env. Mgt. Eng.
PRC

OBZPAE
HDR
Sup

RC Planning
Town Board

RC Drainage
Assessor Town Attorney

RC Highway

PB #09-26: Orange and Rockland Utilities, Inc. Site Plan – Corporate Drive Substation Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

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TO: Anthony Montalbano, Esq., 67 North Main Street, New City,
New York 10977

FROM: Orangetown Planning Board

RE: **Orange and Rockland Utilities, Inc. Site Plan – Corporate Drive Substation:** Application of Orange and Rockland Utilities, Inc., applicant for Verizon Wireless, LLC, owner (Anthony Montalbano, attorney for the applicant) for Prepreliminary/Preliminary Site Plan Review and a Conditional Use Permit for a site to be known as “**Orange and Rockland Utilities, Inc. Site Plan – Corporate Drive Substation**”, 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 2000 Corporate Drive, Orangeburg, New York, New York. Tax Map Numbers: 73.15/1/19; in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, April 29, July 8 and September 16, 2009**, at which time the Board made the following determinations:

April 29, 2009

Anthony Montalbano, Peter McGoldrick and Kevin Moran appeared and testified.

1. Project Review Report dated April 22, 2009.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated April 29, 2009.
3. A letter from McLaren Engineering Group, signed by Steven Grogg, P.E., Site-Civil Division Chief, dated April 21, 2009.
4. Letters from the Rockland County Department of Planning, signed by Eileen Miller, and Salvatore Corallo, Commissioner of Planning, dated April 22, 2009.
5. A letter from Rockland County Highway Department, signed by Joseph Arena, Principal Engineering Technician, dated April 14, 2009.
6. A letter from the Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated March 26, 2009.
7. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFiandra, dated April 24, 2009.

PB #09-26: Orange and Rockland Utilities, Inc. Site Plan – Corporate Drive Substation Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

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8. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 27 & 31, 2009.

9. A letter from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Fire Inspector, dated April 20, 2009.

10. A letter from the Zoning Board of Appeals, Town of Orangetown, signed by William Mowerson, Chairman, dated April 1, 2009.

11. A Project Description prepared by applicant.

12. A Short Environmental Assessment Form signed by Peter T. McGoldrick, P.E., dated March 20, 2009.

13. Site Plans prepared by Charles Tschig, P.E., dated March 13, 2009, last revised March 20, 2009:

Sheet 1: Title Sheet

Sheet 2: Existing Conditions

Sheet 3: Amended Site Plan

Sheet 4: Layout and Utility Plan

Sheet 5: Grading Plan

Sheet 6: Erosion/Sediment Control Plan

Sheet 7: Driveway Profiles/Details

Sheet 8: Details

Sheet 9: Electric Plan

Sheet 10: Electric Elevations

Sheet 11: Electric Elevations

Sheet 12: Planting Plan

Public Comments:

Alan Bell, Attorney for Old Tappan, New Jersey; raised concerns regarding locating the proposed substation 200 feet from residential properties and 400 feet from resources. Mr. Bell requested that the structure be housed in a building, as required under the Conditional Use Permit of the Town Code. In addition he noted that if constructed, the substation would create two principal uses on one buildable lot. Mr. Bell requested information on the site plan to include contours so as to judge the proposed lighting. He requested that a Sound Study be prepared for review. The Borough of Old Tappan requested that the application be Continued for additional time for review by the Borough Engineer.

PB #09-26: Orange and Rockland Utilities, Inc. Site Plan – Corporate Drive Substation Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

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Tom Zingarelli, 45 Carigan Way, Old Tappan, New Jersey; raised concerns regarding the noise produced by the proposed substation and requested that a sound test be preformed.

Daniel Gielchinsky, attorney for Weisman and Powell Families, Carigan Way, Old Tappan, New Jersey; held that according to Town Code for a Conditional Use, the substation must be housed within a structure.

Leslie Whatley, 6 Buckingham Court, Old Tappan, New Jersey; requested that United Water review the Site Plan. She held that oil based transformers will get into the water supply and create fire hazards, toxins and drainage issues. Ms Whatley noted that if Verizon benefits from the substation, they should pay for the structure to house the substation.

Tom Whalen, 38 Carigan Way, Old Tappan, New Jersey; held that the site was convenient for Verizon and requested another location be reviewed. He raised concerns regarding ground contamination and drainage.

Trisha Jansen, 41 Carigan Way, Old Tappan, New Jersey; stated that the area was prone to lightning strikes.

Patrick Sullivan, 203 Oak Tree Road, Tappan; stated that the LIO zoning states that "in house", was revised 1991. Mr. Sullivan questioned the Board on when the last substation built and what zone was it in. He submitted photographs of electrical substations at various locations.

Phyllis Lieberman, 26 Carigan Way, Old Tappan, New Jersey; raised concerns regarding environmental impacts to the neighborhood.

The applicant requested a **CONTINUATION** of the application.

July 8, 2009

Anthony Montalbano, Peter McGoldrick and Kevin Moran appeared and testified.

1. Project Review Committee Report dated July 1, 2009.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 8, 2009.

PB #09-26: Orange and Rockland Utilities, Inc. Site Plan – Corporate Drive Substation Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

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3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 6, 2009.
4. A letter from McLaren Engineering Group, signed by Steven Grogg, P.E., Site-Civil Division Chief, dated June 29, 2009.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated July 2, 2009.
6. Letters from Rockland County Highway Department, signed by Joseph Arena, Principal Engineering Technician, dated July 1 and June 30, 2009.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 11 & June 5, 2009.
8. A letter from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Fire Inspector, dated June 29, 2009.
9. A Project Description prepared by applicant.
10. Stormwater Pollution Prevention Plan, prepared by CMX, dated June 2009.
11. Site Plans prepared by Charles Tschig, P.E., dated March 13, 2009, last revised June 1, 2009, unless noted:
 - Sheet 1: Title Sheet
 - Sheet 2: Existing Conditions
 - Sheet 3: Amended Site Plan
 - Sheet 4: Layout and Utility Plan
 - Sheet 5: Grading Plan
 - Sheet 6: Erosion/Sediment Control Plan
 - Sheet 7: Driveway Profiles/Details
 - Sheet 8: Details
 - Sheet 9: Electric Plan
 - Sheet 10: Electric Elevations
 - Sheet 11: Electric Elevations
 - Sheet 12: Planting Plan, revised June 9, 2009
12. A letter to Anthony Montalbano, Montalbano, Condon & Frank, P.C., signed by John Giardiello, P.E., Director, Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, dated June 30, 2009.
13. Letters to John Giardiello, P.E., Director, Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Anthony Montalbano, Montalbano, Condon & Frank, P.C., dated June 12 and June 5, 2009.

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14. A letter signed by Judith Procopio, Montalbano, Condon & Frank, P.C., dated July 7, 2009, with an attachment of “Electric Magnetic Fields Associated with the Use of Electric Power: Questions and Answers”.

15. Impact Analysis Study of Proposed O & R Electric Transmission Substation with Respect to Residential Properties, prepared by Beckmann Appraisals, Inc., dated June 30, 2009.

16. Submitted at the meeting by the applicant; Analysis of Acoustical Impact: Orange and Rockland Utilities Proposed Orangetown Substation Corporate Drive, prepared by John Erdreich, Ph.D, dated July 7, 2009.

17. A letter signed by Mrs. Conclin, 37 Hunt Road, Orangeburg, dated July 5, 2009.

18. A letter signed by Melody Fiore, 99 Hunt Road, Orangeburg, dated July 2, 2009.

19. A letter signed by Mary Fiore, 93 Hunt Road, Orangeburg, dated July 2, 2009.

20. A letter signed by Jacqueline Fiore, 93 Hunt Road, Orangeburg, dated July 2, 2009.

21. A letter signed by Mary Burtch, 67 Hunt Road, Orangeburg, dated July 7, 2009.

22. A letter signed by Jeff & Keira Burtch, 73 Hunt Road, Orangeburg, dated July 7, 2009.

Public Comments:

Jack Holt, Co-Chairman of the Rockland County Economic Development Corporation, supported the project, stating that Rockland County needs to remain competitive with other areas and we need to upgrade our electrical systems to power modern technologies. Rockland County needs to invest in it's future.

Ron Hicks, President of the Rockland County Economic Development Corporation, discussed the loss of business in Rockland County and that Verizon Wireless is one of the County's biggest employers. Verizon needs to build the substation to increase business and the Orangeburg substation is a critical component to Rockland County.

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Dorothy Filoramo, Vice President of Dominican College, supports the electrical substation plan. The construction would create a more reliable power source and have a favorable impact to the economic environment. The College as a consumer needs more electrical power for data storage and foresees a growing demand for power.

Quintan Van Winan, Director of Operations, Pearl River School District, supports the project, noting that Verizon brings ratable to Orangetown and that Verizon is the second largest tax payer in Pearl River.

Joseph Angiolillo, owner of Icco Cheese an area business, supports the expansion of Verizon, noting that it would be beneficial to other companies in the area needing more power to run their businesses.

Grace Meyer, 49 Hunt Road, raised concerns regarding the noise levels in the neighborhood created by the power station.

Tom Herten, Attorney for Old Tappan Residents, stated that his firm submitted an application to the Town of Orangetown Zoning Board of Appeals, appealing the June 30, 2009 memorandum from John Giardiello, P.E., Director, Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown.

Melody Fiore, 99 Hunt Road, read a prepared letter regarding the dangers of the substation, electrical magnetic and PCB. She held that the substation is an environmental hazard and a risk. Ms Fiore requested that if built, it be housed in the structure.

Jacki Fiori, 93 Hunt Road, raised concerns regarding the devalue of property and health concerns.

James Coffey, Hunt Road, raised concerns regarding the devalue of his property.

Steve Coffey, brother of James and frequent visitor to the area, noted that the existing generators in the area create loud noises.

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Leslie Whatley, 10 Buckingham Court, Old Tappan, New Jersey; presented photographs of the substation and requested that the substation be enclosed. She discussed the economics of the project.

Joe Albano, 10 Buckingham Place, requested that the substation be enclosed and that Verizon pay for the difference of the enclosure.

Donna Weisman, 34 Carigan Way, discussed the vegetation and drainage on the Site. She noted that the existing drainage is a problem. In the past, Verizon made promises to landscape and maintain the drainage system, however that promise has not been upheld. Ms Weisman also noted that there is an existing noise problem.

Tom Whalen, 38 Carigan Way, Old Tappan, New Jersey; stated that Old Tappan residents recognize that there have been concessions in moving the building, however, the cost to house the substation is unbelievable.

Harvey Weisman, 34 Carigan Way, held that there is a misrepresentation on the part of the applicant regarding the availability of land usage and the overstatement of costs.

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

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

The applicant requested a **CONTINUATION** of the application.

September 16, 2009

Anthony Montalbano, Peter McGoldrick, Chuck Utschig and William Beckman appeared and testified.

1. Project Review Committee Report dated September 9, 2009.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated September 16, 2009.

PB #09-26: Orange and Rockland Utilities, Inc. Site Plan – Corporate Drive Substation Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

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3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 9, 2009.
4. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated September 16, 2009.
5. A letter from abutting property owners, Clifford and Elizabeth Powell, undated.
6. A letter from an abutting property owner, Joseph Albano, dated August 30, 2009.
7. A letter to John Giardiello, P.E., Director, Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Anthony Montalbano, Montalbano, Condon & Frank, P.C., dated August 11, 2009.
8. A letter to the Planning Board Town of Orangetown, signed by Anthony Montalbano, Montalbano, Condon & Frank, P.C., dated September 11, 2009, Narrative attached.
9. A copy of the Full Environmental Assessment Form, signed by Charles Utschig, Engineer, dated September 1, 2009.
10. A letter to the Town of Orangetown Planning Board from Orange & Rockland Utilities, dated September 2, 2009, signed by James Tarpey, P.E., Vice President Operations.
11. A report entitled; Additional Documents Stormwater Pollution Prevention Plan For Corporate Drive Substation, prepared by W. Charles Utschig, P.E., dated September, 2009.
12. A copy of a memorandum to the Town of Orangetown Planning Board from Charles Utschig, P.E. dated September 1, 2009.
13. A report entitled' Analysis of Acoustical Impact, prepared by Ostergaard Acoustical Associates, dated July 2009.
14. A report entitled; Magnetic Field Modeling Assessment, prepared by Enertech Consultants, dated September 1, 2009.
15. A computer CD disk noting the project location and characteristics.

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16. Site Plans prepared by Charles Tschig, P.E., dated March 13, 2009, last revised July 1, 2009, unless noted:

Sheet 1: Title Sheet

Sheet 2: Existing Conditions

Sheet 3: Amended Site Plan

Sheet 4: Layout and Utility Plan

Sheet 5: Grading Plan

Sheet 6: Erosion/Sediment Control Plan

Sheet 7: Driveway Profiles/Details

Sheet 8: Details

Sheet 9: Electric Plan, 9/1/09

Sheet 10: Electric Elevations, 9/1/09

Sheet 11: Electric Elevations, 9/1/09

Sheet 12: Planting Plan, revised 8/31/09

17. Site Plans prepared by Charles Tschig, P.E., dated March 13, 2009, last revised September 10, 2009

Sheet 3: Amended Site Plan – Revised Screening Wall Height to 24 ft.

Public Comments:

Tom Herten, Attorney for Old Tappan Residents, stated that his firm has worked cooperatively with the applicant for additional screening and his clients are satisfied with the discussions. Mr. Herten requested that the wall be made part of the Board's condition of Preliminary Approval.

Leslie Whatley, 10 Buckingham Court, Old Tappan, New Jersey; held that the site was not an ideal place for a substation and discussed issues with the site. Ms Whatley submitted a photograph of a substation in Old Tappan, New Jersey.

Eileen Larkin, Palisades resident, requested information regarding site conditions.

Donna Wiessman, Old Tappan, New Jersey, raised cautions regarding development of the site and environmental impacts.

Harvey Weissman, Old Tappan, New Jersey, stated that the Planning Board has been helpful in discussing the project and that the Board should look into further conservation easements on the Verizon property.

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

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

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

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

On motion by Bruce Bond and seconded by Jeffrey Golda and carried as follows: Bruce Bond, aye; Andy Stewart, aye; Robert Dell, recused; John Foody, aye; William Young, aye; Jeffrey Golda, aye; and Kevin Garvey, aye the Board made a Negative Declaration.

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

- 1.** The following note shall be placed on the site plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
- 2.** Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations
- 3.** The Verizon facility is currently maintaining a "data center" at this property. The Orangetown Zoning Code does not specifically define a "data Center" in the definitions, however based on the type of operation at this location, it seems the use falls under the "Office" classification and not a "Research Facility or "Laboratory" classification. In addition, the Full Environmental Assessment Form describes the present land use as "Office/Commercial Building". Therefore, the minimum parking requirement of 1 parking space per 200 square feet of gross floor area is required. If a Zoning Board of Appeals variance is not to be sought for a reduction in parking spaces, then the Site Plan shall show the reserved parking area for future use, as suggested in Mr. Montalbano's August 's 11, 2009 letter, see attached, and reflect a total of 1125 parking spaces on the property as required for "Office" use.
- 4.** In accordance with Section 5.226 of the Orangetown Zoning Code, "Walls over six feet high shall conform to the height regulations of §3.12", therefore the wall height can not exceed 3 inches per foot from the property line. The setback from the closest property line to the proposed 24' high screening wall shall be labeled on the Site Plan. That scaled distance from the property line to the wall was approximately 70 feet (this shall be confirmed and labeled on the Site Plan), therefore allowing a maximum wall height of 210 inches or 17.5 feet. A Zoning Board of Appeals variance needs to be sought for the proposed wall height of 24 feet.

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- 5.** A detail of the proposed 24' high screening wall shall be submitted. The Town of Orangetown Architecture and Community Appearance Board of Review shall need to review the aesthetics of the wall. Structural details, stamped and signed by a New York State licensed professional engineer will need to be provided to the Town of Orangetown Building Department.
- 6.** Visual views of the proposed 24' high screening wall, from various locations on and off the Verizon property, shall be provided to the Planning Board to better understand if potential visual impacts such as a "fortress effect" will be created from such a structure.
- 7.** The Full Environmental Assessment Form shall be corrected as follows:
 - a.** Page 2, indicates a "16' high screen wall", however a "24 foot high screen wall" is shown on an amended Site Plan. Please correct the Full Environmental Assessment Form.
 - b.** Item 11, "Impact on Aesthetic Resources" of Part 2 was answered "No", however, it shall be answered "Yes" and the visual views of the proposed 24' high screening wall be addressed, such as material, color, finish, plantings, etc. A determination shall be made as to whether the visual impact can be mitigated by the project change.
- 8.** The revised Stormwater Water pollution Prevention Plan is under review by DEME.
- 9.** A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted the DEME and the Town of Orangetown Town Attorney's Office for review and approval Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc
- 10.** Copies of all correspondence, including any and all approvals, determinations, etc., with the New York State department of Environmental Conservation, U.S. Army Corps. of Engineers, the Rockland County Drainage Agency, etc., in connection with this Site Plan, shall be supplied to the Planning Board and DEME, prior to receiving Final Approval for this Site Plan.
- 11.** A note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.
- 12.** The metes and bounds for all existing and proposed easements, as well as ownership, shall be labeled on the Site Plan.

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13. On the Western side of the Substation, the applicant shall plant additional arborvitae plants around the proposed wall. The planting of the arborvitae shall not effect fire safety and sight distance and the design of the wall and plantings are subject to review and approval by the Planning Board at Final Board Review.

14. In the event the Town of Orangetown Zoning Board of Appeals does not grant the requested Height Variance for the proposed Substation Screening Wall, the applicant shall reappear in front of the Planning Board and request an Amendment to the Preliminary Site Plan Approval.

15. The requested land banked vehicular parking shall be shown on the Site Plan and noted as “Landed Banked”. In the event that the parking is needed, the applicant shall apply to the Planning Board and show a need to use the parking in it’s request to use the parking.

16. Pursuant to its review of the most recent submission, the Drainage Consultant to the Planning Board, McLaren Engineering Group, the Drainage Consultant held that the plans and SWPPP are generally in conformance with State and Town Regulations and recommends that Site Plan Approval with respect to drainage be granted subject to the following comments:

- 1.** Provide calculations that a two (2) feet wide dry swale will provide the necessary surface area for the water quality filtering and fulfill the conveyance requirements outlined in Section 6.5.2 of the New York State Stormwater Design Manual. In addition, the depth of ground water shall be field verified as per Section 6.5.1 of the New York State Water Design Manual.
- 2.** Revise the detail for the dry swale to have a total of 12 inches depth of gravel at the bottom of the trench (cold weather area), specify the gravel size, and clearly delineate filter fabric at the boundaries of all material changes.
- 3.** The size, material, and inverts of all pipes shall be called out on the Utility Plans. This shall include underdrains, trench drains, and connections to existing drains.
- 4.** Provide spot grade elevations on the grading plan for the basin’s 100-year weir, the bottom of the fore bay, bottom of the main basin and other important elevations to provide enough guidance for a contractor to construct the basin property.

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Continuation of Condition #16.....

5. Verify the pipe slope is sufficient to convey water from the sedimentation basin underdrain to the existing catch basin.
6. The proposed dry laid stonewall varies in height to a maximum of 14.5 feet. This will require certification by a New York State Professional Engineer. The base width of the wall, because of the height, may move the limit of disturbance westward thus requiring additional removal or protection of trees. Confirm the limit of disturbance line in this area.
7. Provide details and calculations to show verification that the drainage system/swale proposed to the West of the retaining wall can capture and convey the upstream runoff from West of the retaining wall. This shall include all onsite and off site areas that contribute to the swale.
8. Provide the table of dimensions and material size for the riprap aprons. Consider specifying a uniform riprap size to avoid confusion during construction.
9. Provide an underdrain detail on the plans.
10. Call out the location of the Oil Containment Sumps. Verify that the slope called for in the detail is consistent with the inverts indicated on the drawings. In addition, a plan of routine maintenance and testing for these Sumps shall be developed, maintained by the Applicant, and available when requested by local and state authorities.
11. Provide soil erosion notes to address sequencing general notes on maintenance and installation instructions of soil erosion control measures.
12. The dimensions and riprap placement of the drainage swale detail (Page 8) shall be revised to show riprap on the 2:1 side slopes and the appropriate stone sizing. Confirm that the swale will convey the 100-year runoff to the basin without creating erosion.
13. The plans shall show any associated construction beyond the switchgear area, such as utility poles, underground duct banks, etc. The plan shall indicate any disturbance associated with such construction.
17. Based upon the plans and information provided for the project, the Rockland County Department of Highways found that the required action will have a de minimus impact to County Roads in the area. A Rockland County Highway Department Road Opening Permit will be required for any underground transmission lines that require disruption to the paved surface of the County Roadways; Veterans Memorial Drive and Blaisdell Road.

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18. Based upon the Rockland County Drainage Agency's (RCDA) evaluation of available mapping and the 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 Chapter 846, Rockland County Stream Control Act, is not requested based upon its review of the information provided. However, the site appears to be located within mapped federal wetlands. The RCDA suggests that the U.S., Army Corps of Engineers be contacted and requested to make a jurisdictional determination regarding the proposed activity.

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

Referrals for review ate to include inter-community and county-wide considerations in respect to compatibility with various land uses with one another; protection of community character as regards predominate land uses, population density, and the relation between residential and nonresidential areas; drainage; community facilities; official municipal and county development policies (as may be expressed through comprehensive plans, capital programs or regulatory measures); and such matters as may relate to the public convenience, to governmental efficiency, and to the achieving and maintaining of a satisfactory community environment. In addition, Section 239 –nn was recently enacted to encourage the coordination of land use development and regulation among adjacent municipalities, so that as a result development occurs in a manner that is supportive of the goals and objectives of the general area. A review shall be requested from the Borough of Old Tappan and any of their concerns regarding the areas of countywide concern, which directly impact the Borough of Old Tappan, must be considered and satisfactorily addressed.

A review of the wetlands on the site shall be completed by the U.S. Army Corps of Engineers and any required permits obtained.

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

Prior to any grading or construction on site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.

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Continuation of Condition #19....

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).

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

21. The Town of Orangetown Fire Prevention Bureau had the following comments and are conditions of approval:

1) All driveways/fire access roads must provide a proper turning radius to accommodate a 55 foot long piece of fire apparatus.

2) All driveways/fire access roads must be a minimum of 20 feet in width with vertical clearance of 13 feet 6 inches.

3) Gate for driveway/fire access road shall be a minimum of 20 feet wide.

4) Entrance to driveway/fire access road shall be marked with appropriate signage approved by the Town of Orangetown Fire Prevention Bureau Office.

5) All driveway/fire access roads shall be capable of supporting 75,000 lbs.

6) The proposed grass crete area is not acceptable due to the lack of maintenance that occurs with this type of roadway (snowplowing, mud, etc...).

7) The proposed grasscrete road on the north side of the substation is 180 feet in length to the end and requires a suitable turnaround as per code. A 120 foot hammerhead is preferred.

8) A revised site plan showing these corrections in detail is required prior to approval from the Town of Orangetown Fire Prevention Bureau Office.

22. 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.

23. 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 #1
- Rockland County Drainage Agency
- Rockland County Department of Health
- Town of Orangetown Zoning Board of Appeals

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24. 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.

25. 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.

26. 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.

PB #09-26: Orange and Rockland Utilities, Inc. Site Plan – Corporate Drive Substation Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec. TOWN OF ORANGETOWN PLANNING BOARD DECISION

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27. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
28. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).
29. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
30. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications
31. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.
32. The applicant shall comply with all pertinent and applicable items in the Guide to the Preparation of Site Plans, prior to signing the final plans.
33. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.

The foregoing Resolution was made and moved by John Foody and seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, recused 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 16, 2009
Town of Orangetown Planning Board

**State Environmental Quality Review Regulations
NEGATIVE DECLARATION
Notice of Determination of Non-Significance
PB #09-26: Orange and Rockland Utilities, Inc. Site Plan – Corporate Drive
Substation Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.**

TOWN OF ORANGETOWN PLANNING BOARD DECISION

**September 16, 2009
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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: Orange and Rockland Utilities, Inc. Site Plan –
Corporate Drive Substation**

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 2000 Corporate Drive, Orangeburg, New York, New York. Tax Map Numbers: 73.15/1/19; in the LIO zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

