

**TOWN OF ORANGETOWN  
PLANNING BOARD MEETING  
SEPTEMBER 26, 2007**

**MEMBERS PRESENT:**

Kevin Garvey, Vice-Chairperson  
Anthony Iurica  
William Young  
Robert Dell  
Jeffrey Golda  
John Foody

**MEMBERS ABSENT:**

Bruce Bond, Chairperson

**ALSO PRESENT:**

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

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

**New Items:**

Palisades Knolls Plan (Carteret Estates Subd.) Request for 1 <sup>st</sup> 90 Day Extension to File Subdivision Plat with Rockland County Clerk's Office 77.20/1/19; R-15 zone	Granted	PB #07-52
Blickman Subdivision Plan (Jacqueny Subd.) Recommendation to the Town Board to Establish the Value and Term of the Performance Bond and Sidewalk Request Review 69.19/1/25; R-40 zone	Recommended to the Town Board  Granted	PB #07-53  PB #07-37b
Merritt Subdivision Reapproval of Final Planning Board Approval PB #05-106, dated August 10, 2005 64.18/1/78; R-15 zone	Reapproved with Conditions	PB #07-54
Student Bus Company Site Plan Prepreliminary/Preliminary/Final Site Plan and SEQRA Review 74.07/1/15; LI zone	Postponed to October 10 <sup>th</sup> Mtg.	PB #07-55

**Page 2 of 2**  
**September 26, 2007**  
**Planning Board Meeting**

**Continued from the June 13, 2007 Meeting:**

Wyeth - Campus Drainage Study Review of Study 68.08/1/1; LI zone	Accepted as Presented	PB #06-72
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**Continued from the June 13, 2007 Meeting:**

Wyeth Site Plan - Building 241 Prepreliminary/Preliminary/Final Site Plan and SEQRA Review 68.08/1/1; LI zone	Final Site Plan Approval Subject to Conditions Neg. Dec.	PB #06-34
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**Continued from the July 11, 2007 Meeting:**

Hunter Douglas World Headquarters Site Plan Prepreliminary/Preliminary Site Plan and SEQRA Review 73.10/1/6; OP zone	Postponed to October 10 <sup>th</sup> Mtg.	PB #07-43
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**Postponed from July 25, 2007 Meeting:**

Korean 7 <sup>th</sup> Day Adventist Church Site Plan Final Site Plan Review 70.15/1/44; R-15 zone	Final Site Plan Approval Subject to Conditions	PB #07-46
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The decisions of the September 6, 2007 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Kevin Garvey and seconded by John Foody and carried as follows: Bruce Bond, absent; Anthony Iurica, aye; Jeffrey Golda, aye, Robert Dell, abstain; Kevin Garvey, aye, John Foody, aye and William Young, aye.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Kevin Garvey, seconded by Robert Dell and agreed to by all in attendance. The meeting was adjourned at 8:45 P.M. The next Planning Board meeting is scheduled for October 2, 2007.

**DATED: September 26, 2007** Planning Board Town of Orangetown  
**TOWN OF ORANGETOWN PLANNING BOARD**

**TOWN OF ORANGETOWN  
PLANNING BOARD DECISION**

**Palisades Knolls Subdivision  
Request for the 1<sup>st</sup> 90-Day Extension  
To File the Subdivision Plan  
With the Rockland County Clerk's Office,  
(also known as Carteret Estates Subdivision)**

**PB #07-52  
September 26, 2007  
Page 1 of 1**

TO: John Atzl  
Atzl, Scatassa & Zigler  
234 North Main Street  
New City, NY 10956

FROM: Orangetown Planning Board

RE: The application of the John Atzl, applicant, for Willowood Properties, owner, for a 90 day Extension to File the "**Palisades Knolls Subdivision**" with the Rockland County Clerk's Office, 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 762 Route 340, Palisades, Town of Orangetown, Rockland County, New York and shown on the Orangetown Tax Map as Section 77.20 Block 1, Lot 9 in the R15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held Wednesday, September 26, 2007, at which time the Board made the following determination:

The Board received the following communications:

1. Project Review Committee Report dated September 19, 2007
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 26, 2007.
3. An interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated September 20, 2007.
4. PB #07-22, Final Subdivision Approval Subject to Conditions, dated March 14, 2007,
5. A letter from Atzl, Scatassa & Zigler, signed by John Atzl, PLS, dated August 29, 2007.

The Board discussed the 90 Day Extension to file the subdivision plan.

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 William Young seconded by Anthony Iurica and carried as follows:

Bruce Bond, absent; Kevin Garvey, aye; Anthony Iurica, aye; John Foody, aye; Jeffrey Golda, aye; and Robert Dell, aye.

**DECISION: In view of the foregoing, the Board GRANTED a 90 Day Extension in time to file the Palisades Knolls Subdivision with the Rockland County Clerk's Office.**

The foregoing Resolution was made and moved by Anthony Iurica seconded by John Foody and carried as follows: Bruce Bond, absent; Kevin Garvey, aye, Anthony Iurica, aye; John Foody, aye; Jeffrey Golda, aye; and Robert Dell, 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 26, 2007 Planning Board**

Sept 262007 Planning Board OBZPAE RC Planning RC Drainage RC Highway  
Env.Mgt.Eng. LMS Town Board Assessor Town Attorney  
Supervisor PRC



September 26, 2007

Recommendation to the  
Town Board of the Value and Term  
Of a Performance Bond; and  
Sidewalk Request Review

PB #07-58

PB #07-37b

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

**PB #07-58**

**RECOMMENDATION:** In view of the foregoing, the Board RECOMMENDS TO THE TOWN OF ORANGETOWN TOWN BOARD that the value of the Performance Bond be established in accordance with the interdepartmental memorandum from Bruce Peters, P.E., Department of Environmental Management and Engineering, Town of Orangetown, dated September 7, 2007. The term of the Performance Bond shall not exceed two (2) years as set forth in Section 21A-10 of the Town of Orangetown Town Code, which shall be on or before **September 26, 2009**, and Subject to the Following Condition:

<u>ITEM</u>	<u>COST</u>
Curbing	\$ 14,000.00
Sidewalk	\$ 12,775.00
Driveway Opening	6,000.00
Monuments	2,400.00
Iron Pins	1,350.00
As-Builts drawings	1,800.00
Soil Erosion & Sediment Control	30,775.00
Sanitary Sewer System	12,900.00
<b>Sub-Total</b>	<b>\$ 81,600.00</b>

Administrative Close-out (20% of Sub-Total) \$ 16,320.00

**Total Bond \$ 97,920.00**

Inspection Fee (3% of Sub-Total) \$ 2,448.00

To be submitted to DEME prior to the onset of construction. All Bonds are to conform to current town regulations.

**PB #07-37b**

**Sidewalk Request Review**

**DECISION:** In view of the foregoing and the testimony before the Board, the application was GRANTED APPROVAL OF THE SIDEWALK REQUEST SUBJECT TO THE FOLLOWING CONDITIONS PROVIDED IN THE FOLLOWING CORRESPONDENCE:

September 26, 2007

Recommendation to the  
Town Board of the Value and Term  
Of a Performance Bond; and  
Sidewalk Request Review

PB #07-58

PB #07-37b

**Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated September 25, 2007**

1. The Rockland County Highway Department agrees with the conceptual design as shown.
2. Since there is a sidewalk along Sickletown Road north of Gilbert Avenue, and there are existing sidewalks on both sides of Gilbert Avenue, the applicant and/or Town of Orangetown shall be responsible to install drop curbs on the north and south sides of Gilbert Avenue, a painted cross walk on Gilbert Avenue, and Pedestrian Crossing Signs in the area as per N.Y.S. M.U.T.C.D. specifications. No permits will be issued from the Rockland County Highway Department until it receives concurrence from the Town and/or applicant that these items be installed.
3. The applicant shall provide the Rockland County Highway Department a "Hold Harmless Agreement" in regard to the existing wooden fence along Sickletown Road prior to any permits being issued from the Rockland County Highway Department.
4. Rockland County Highway Department Work Permits will be required prior to the start of any excavation or construction performed on of any of the lots contained within this subdivision. A separate additional permit will be required prior to the construction of the public improvements within the County Right -of-Way.
5. Additional separate Rockland County Highway Department Road Opening Permits will be required for the proposed sewer and utility connections

**AND**

**Town of Orangetown, Highway Departments, signed by James Dean, Superintendent of Highways, dated September 25, 2007.**

In response to item #2 of the Rockland County Highway Department letter of September 25, 2007, the Town of Orangetown Highway Department will be responsible for the installation of drop curb on the north side of Gilbert Avenue at Sickletown Road. The Town will also install the crosswalk painting over Gilbert Avenue to the new sidewalks being installed as part of the Blickman Subdivision. The new sidewalks must meet ADA requirements therefore the developer of the above referenced subdivision will be responsible for the installation of the dropped curb on the south corner of the intersection at Sickletown Road.

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

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.

**Dated: September 26, 2007, Planning Board**

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

**TOWN OF ORANGETOWN  
PLANNING BOARD DECISION**

**Merritt Subdivision Plan  
Reapproval of Final Approval  
PB #05-106, dated August 10, 2005**

**PB #07-54  
September 26, 2007  
Page 1 of 5**

TO: Donald Brenner, P.E., LL.B.  
4 Independence Avenue  
Tappan, NY 10983

FROM: Orangetown Planning Board

RE: The application of James Merritt, applicant, for Edward and James Merritt, owners for **Reapproval of Final Approval, PB #05-106, dated August 10, 2005**, for a site to be known as "**Merritt 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 Merritt Drive, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 64.18, Block 1, Lot 78 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held September 26, 2007, at which time the Board made the following determinations:

Donald Brenner and Melissa and James Merritt appeared and testified.

The Board received the following communications:

1. A Project Review Memo dated September 19, 2007.
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 26, 2007.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated June 22, 2006 and September 20, 2007.
4. A letter from HDR/LMS, signed by Harvey Goldberg, P.E., dated December 22, 2005.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated September 25, 2007.
6. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated September 14, 2007.
7. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated September 11, 2007.
8. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael B. Bettmann, Chief Fire Inspector, dated September 21, 2007.

9. PB #05-106, dated August 10, 2005, Final Approval Subject to Conditions.
10. Final Subdivision For Merritt Plan - Drawing Sheet 1 of 6; prepared by William Youngblood Land Surveying, P...C., dated March 17, 1999, last revised, June 28, 2006.

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

**DECISION:** In view of the foregoing and the testimony before the Board, the application was **GRANTED A REAPPROVAL OF THE FINAL APPROVAL, PB #05-106, DATED AUGUST 10, 2005, SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The area on Lot #1 shall be clean up.
2. A review shall be completed by the Rockland County Health Department and any required permits obtained.
3. There shall be not net increase in storm water run-off from the site.
4. In the previous decision, the Planning Board recommended a Private road and the deed of each lot be required to contain a covenant that the roadway is private. The Planning Board's recommendation further indicated that, if owners of the lots want to petition the Town for a public roadway, then the road must be constructed in the width and cross section of a Public Road. This information was to be placed on the subdivision plan as a note and the related covenant approved subject to review in form by the Town Attorney's Office. These issues shall be clearly addressed in notes on the subdivision plan.
5. The northern end of the planned internal road shows a "T" turn around at its end and a portion of pavement in this area to be removed. When the subdivision is to be built, the "T" turn around is to be removed from the site.
6. Public sewer mains requiring extensions within a right of way or an easement shall be reviewed and approved by the Rockland County Health Department prior to construction.
7. Subdivisions requiring water main extensions and all public water supply improvements shall be reviewed by the Rockland County Department of Health prior to construction. Plans must be signed and stamped by a New York State Professional Licensed Engineer and shall be accompanied by a completed New York State Department of Health Form 348, which must be signed by the public water supplier.



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

9. All roadways, turnarounds, etc. must provide a proper turning radius to accommodate a 55 foot long piece of fire apparatus with a wheelbase of 254 inches.

10. All roadways must be a minimum of 20 feet in width with vertical clearance of 13 feet, 6 inches, and able to support fire apparatus weighing up to 75,000 lbs.

11. Bridges, culverts, elevated surfaces shall comply with the following; Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO Standard Specification for Highway Bridges. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the Fire Inspector. Where elevated surfaces designed for emergency vehicles use are adjacent to surfaces which are not designed for such use, approved barriers, approved sign or both shall be installed and maintained when required by the Fire Inspector.

12. Fire hydrants shall be provided with a maximum spacing of 500 feet between each. Public hydrants connected and maintained by United Water, shall be shown on the subdivision plan.

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

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

15. 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."

16. 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.

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

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

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

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

One (1) foot radius from trunk per inch DBH

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

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

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

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

19. All landscaping shown on the 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.

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

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

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

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

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

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

The foregoing Resolution was made and moved by Anthony Iurica, seconded by Jeffrey Golda and carried as follows: Bruce Bond, absent; Anthony Iurica, 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 26, 2007**

Planning Board

decd.

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

**TOWN OF ORANGETOWN  
PLANNING BOARD DECISION**

**Wyeth Campus Drainage Study  
Accepted as Presented**

**PB #06-72  
September 26, 2007  
Page 1 of 6**

TO: Andrew Karcz  
Wyeth, Facilities Manager  
401 North Middletown Road  
Pearl River, NY 10965

FROM: Orangetown Planning Board

RE: The application of Andrew Karcz, applicant, for Wyeth, owner, for Review of a Campus Drainage Study at a site known as **“Wyeth Campus Drainage Study”**, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the code of the Town of Orangetown. The site is located at 401 North Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 68.08, Block 1, Lot 1 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held January 24, June 13 and September 26, 2007 at which time the Board made the following determinations:

**January 24, 2007**

Andrew Karcz, John Banyo and John Kostyo appeared and testified.

The Board received the following communications:

1. Project Review Reports dated September 20, October 18, November 1, 2006 and January 17, 2007.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated October 25 & November 8, 2006 and January 24, 2007.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated September 21, 2006 and January 18, 2007.
4. Letters from Brooker Engineering, signed by Brian Brooker, P.E., dated October 25, 2006 and January 24, 2007.

5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated October 23, 2006.
6. A letter from the Town of Clarkstown, Department of Planning, signed by Shirley Thomann, Chairwoman, dated October 12, 2006.
7. Wyeth Campus Drainage Study, prepared by Kling Architecture, Engineering, Interiors, Planning, dated September 15, 2006, signed and sealed by John Kostyo, P.E.,
8. Wyeth Campus Drainage Study, prepared by Kling Architecture, Engineering, Interiors, Planning, dated December 20, 2006, signed and sealed by John Kostyo, P.E.,

The Board reviewed the plans.

The applicant requested a **CONTINUATION** in order to fulfill the requests of the Board.

#### **June 13, 2007**

Andrew Karcz, John Banyo and John Kostyo appeared and testified.

The Board received the following communications:

1. Project Review Report dated June 6, 2007.
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 June 13, 2007.
3. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated June 1, 2007.
4. A letter from the Rockland County Department of Highways, signed by Alfonso Custodio, Jr., Senior Engineering Technician, dated May 7, 2007.
5. A letter from the Town of Clarkstown, Department of Planning, signed by Shirley Thomann, Chairwoman, dated October 12, 2006.
6. A letter from Brooker Engineering, signed by Brian Brooker, P.E., dated June 13, 2007.

The Board reviewed the plans.

The applicant requested a **CONTINUATION** in order to fulfill the requests of the Board.

#### **September 26, 2007**

John Banyo, Brian Quinn and John Kostyo appeared and testified.

The Board received the following communications:

1. Project Review Report September 19, 2007.
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 26, 2007.

3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated September 20, 2007.
4. A letter from Brooker Engineering, signed by Brian Brooker, P.E., dated September 25, 2007.
5. Wyeth Campus Drainage Study, Volume II: Appendix, prepared by Kling Stubbins, Architecture, Engineering, Interiors, Planning, dated August 15, 2007, signed and sealed by John Kostyo, P.E.,

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

The hearing was then reopened to the Public. A motion was made by Anthony Iurica, seconded by Jeffrey Golda, and carried as follows:  
Bruce Bond, absent; Anthony Iurica, aye; Kevin Garvey, aye; John Foody, aye; William Young, aye; Robert Dell, aye and Jeffrey Golda, aye.

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

**DECISION:** In view of the foregoing and the testimony before the Board, the Planning Board **ACCEPTED the OVERALL CAMPUS DRAINAGE STUDY AND PLAN, SUBJECT TO THE REVIEW AND APPROVAL OF INDIVIDUAL DRAINAGE SITE PLAN DESIGNS BY THE PLANNING BOARD, AS THOSE SITE PLANS MAY BE REQUIRED PURSUANT TO APPLICABLE LAW,** and the Following Conditions:

1. The Drainage Consultant to the Planning Board, Brooker Engineering, recommends that the Drainage Study be approved for drainage subject to the following conditions (September 25, 2007 letter):

**Southwest Detention Basin (Muddy Creek Basin):**

1. A typical section through the basin in both directions and a detail for the outlet structure shall be provided.
2. Erosion protection at the storm drain inlets shall be designed.
3. A storm drainage line is proposed crossing the two access roads surrounding the contractors' parking lot. These roads do not appear to be crowned; it is recommended that trench drains be added across these roads to ensure that runoff is diverted to the detention basin as the design intended.

4. An emergency overflow for the detention basin should be provided.
5. Access into the basin shall be provided.
6. Existing runoff from the south is diverted into the detention basin. The outlet of the basin ties into an existing 30" RCP pipe. The applicant shall show that this pipe has capacity to convey the peak flows leaving the detention basin.
7. A maintenance plan and schedule shall be prepared and approved by the Town of Orangetown.

**Reed Pond (Muddy Creek Basin):**

1. The southern portion of Reed Pond has been lowered by approximately four feet in elevation, increasing available storage by 5.0 acre-feet. The applicant shall demonstrate that the separate pond elevations in the adjacent northern and southern Reed Ponds can be maintained and the southern pond will not fill with groundwater and equalize in elevation with the northern pond.
2. Details of the proposed diversion structure installed in the inlet drainage pipes separating flow between the northern and southern Reed Ponds shall be provided.
3. The hydrologic model breaks down the subarea for Reed Pond into additional upstream subareas to model stormwater routings that occur in existing upstream ponds. The drainage basin map shall be updated to reflect these additional subareas.
4. A maintenance plan and schedule shall be prepared and approved by the Town of Orangetown.

**North Basin (Muddy Creek Basin):**

1. The drainage basin map for the north basin includes areas located downhill of the basin that cannot flow to the basin. The drainage basin map shall be revised to reflect this and the hydrologic model calculations adjusted accordingly.
2. A typical section through the basin in both directions and a detail for the outlet structure shall be provided.
3. Erosion protection at the inlets into the southwest detention basin shall be designed and provided.
4. Access into the basin shall be provided.
5. A maintenance plan and schedule shall be prepared and approved by the Town of Orangetown.

### **B140 Depression (Cherry Creek Basin)**

1. A berm has been added downstream of the walking path that will allow additional flood storage capacity at the B140 Depression east of the Central Parking Lot. This depression receives runoff from the Central Parking Lot and a portion of the Visitor's Parking Lot. The outlet of this storage area is controlled by an existing 30-inch pipe. This large pipe (for comparison, the much larger Crooked Hill basin downstream of the site has a greater contributing drainage area and also has a 30-inch outlet orifice) will allow a majority of the lower frequency storms to pass through with minimal detention. The large pipe will not provide the control that causes the damming effect which increases flood storage elevations and consequently utilizes the additional flood storage the new berm is providing. It is recommended that an outlet structure be added or the 30-inch pipe be replaced with a smaller pipe in order to restrict flows leaving the depression. An underdrain may be added to help keep the area dry and avoid impacting the existing vegetation.
  2. The drainage basin contributing to the B140 depression storage area is listed as 30.42 acres in the drainage report. The actual drainage basin delineation shall be added to the report to ensure that all areas designed as entering the basin do not bypass the basin
  3. A discrepancy within the hydrologic model for this point of interest shall be clarified. The on-site drainage area to the B140 depression is modeled as 30.4 acres, and the subarea between the Crooked Hill Basin and the B140 depression is modeled as 57.58 acres, giving a total drainage basin to the Crooked Hill Basin as 87.98 acres. However, the total drainage area to the Crooked Hill Basin is modeled at other areas within the drainage study as 78 acres.
2. The revised drainage calculations are currently under review by DEME. However, a maintenance agreement, in accordance with NYSDEC Phase II regulations, incorporating all of the Wyeth Campus drainage facilities shall be submitted to DEME and the Town of Orangetown 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.
  3. The Town of Clarkstown Planning Board reviewed the drainage report and stated that the report appears to have no planning impacts for the Town of Clarkstown, subject to final review by staff who may present comments to the Town of Orangetown as they see fit.



4. The Rockland County Highway Department has reviewed the information provided and found the proposed action would have no foreseeable adverse effect upon county roads in the area.
5. A review shall be completed by the New York State Department of Transportation and any required permits obtained.
6. For any improvements that will disturb 1,000 square feet or more of land to implement the drainage study, 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.

The foregoing Resolution was made and moved by Anthony Iurica, seconded by Jeffrey Golda, and carried as follows: Bruce Bond, absent, Anthony Iurica, aye, Robert Dell, aye, John Foody, aye, Jeffrey Golda, aye, William Young, 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 26, 2007** (sept26)

Planning Board	decd.			
Planning Board	OBZPAE	RC Planning	RC Drainage	RC Highway
Env. Mgt. Eng.	LMS	Town Board	Assessor	Town Attorney
PRC	Superv			

**TOWN OF ORANGETOWN  
PLANNING BOARD DECISION**

**Wyeth Site Plan  
Final Site Plan Approval  
Subject to Conditions  
Building 241/ Neg. Dec.**

**PB #06-34  
September 26, 2007  
Page 1 of 10**

TO: Andrew Karcz  
Facilities Manager  
Wyeth  
401 North Middletown Road  
Pearl River, NY 10965

FROM: Orangetown Planning Board

RE: The application of Andrew Karcz, applicant for Wyeth, owner, for Final Site Plan Review for a site known as “**Wyeth Site Plan – Building 241 Site Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the code of the Town of Orangetown. The site is located at 401 North Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 68.08, Block 1, Lot 1 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held May 10, 2006, January 24 & June 13 and September 26, 2007 at which time the Board made the following determinations:

**May 10, 2006**

Anthony Montalbano, Andrew Karcz, John Banyo, Jeff Walker and John Kostyo appeared and testified.

The Board received the following communications:

1. Project Review Report dated May 3, 2006.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated May 10, 2006.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated May 8, 2006.
4. A letter from Brooker Engineering, signed by Brian Brooker, P.E., dated May 9, 2006.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated May 2, 2006.
6. A letter from the Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated April 19, 2006.
7. A letter from the Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated April 26, 2006.

8. A letter from the Rockland County Sewer District No 1, signed by Joseph LaFiandra, Engineer II, dated April 20, 2006.
9. A letter from the Town of Clarkstown, Department of Planning, signed by Jose Simoes, Town Planner, dated May 2, 2006.
10. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, Rockland County Permit Engineer, dated May 9, 2006.
11. A letter from Wyeth, signed by Andrew Karcz, Facility Manager, dated April 5, 2006.
12. Site Plans prepared by John Kostyo, P.E., Kling, dated March 27, 2006:
  - C-002: Overall Site Plan
  - C-112: Site Layout Plan
  - C-142: Soil Erosion Control Plan
  - C-832: Site Details
  - C-842: Soil Erosion Control Details

The applicant requested a **CONTINUATION** in order to fulfill the requests of the Board.

#### **January 24, 2007**

Andrew Karcz, John Banyo and John Kostyo appeared and testified.

The Board received the following communications:

1. Project Review Reports dated September 20, October 18, November 1, 2006 and January 17, 2007.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated October 25 & November 8, 2006 and January 24, 2007.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated July 20, 2006.
4. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated October 23, 2006.
5. A letter from the Town of Clarkstown, Department of Planning, signed by Shirley Thomann, Chairwoman, dated October 12, 2006.
6. Letters from the Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated July 18 and June 12, 2006.

The Board reviewed the plans.

The applicant requested a **CONTINUATION** in order to fulfill the requests of the Board.

**June 13, 2007**

Andrew Karcz, John Banyo and John Kostyo appeared and testified.

The Board received the following communications:

1. Project Review Report dated June 6, 2007.
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 June 13, 2007.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated June 8, 2007.
4. A letter from Brooker Engineering, signed by Brian Brooker, P.E., dated June 13, 2007.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated June 1, 2007.
6. A letter from the Rockland County Department of Highways, signed by Alfonso Custodio, Jr., Senior Engineering Technician, dated May 7, 2007.
7. A letter from the Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated May 9, 2007.
8. A letter from the Town of Clarkstown, Department of Planning, signed by Shirley Thomann, Chairwoman, dated June 7, 2007.
9. Site Plans prepared by John Kostyo, P.E., Kling, dated March 27, 2006, last revised April 17, 2007:
  - C-002: Overall Site Plan
  - C-112: Site Layout Plan
  - C-142: Soil Erosion Control Plan
  - C-842: Soil Erosion Control Details

The Board reviewed the plans. The Board approved the request of the applicant to proceed to the Architecture and Community Appearance Board of Review for review of the Site and Structure.

The applicant requested a **CONTINUATION** in order to fulfill the requests of the Board.

**September 26, 2007**

Andrew Karcz, John Banyo and John Kostyo appeared and testified.

The Board received the following communications:

1. Project Review Report dated September 19, 2007.

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 28, 2007.
3. A letter from Brooker Engineering, signed by Brian Brooker, P.E., dated September 25, 2007.
4. A letter from New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated June 14, 2006.
5. ACABOR #07-51, Approved Subject to Conditions, dated July 31, 2007.

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 John Foody seconded by Jeffrey Golda and carried as follows:

Bruce Bond, absent; Anthony Iurica, aye; Kevin Garvey, aye; John Foody, aye; Jeffrey Golda, aye; Robert Dell, aye and William Young, 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 Anthony Iurica, seconded by John Foody, and carried as follows: Bruce Bond, absent, Kevin Garvey, aye, Anthony Iurica, aye, Robert Dell, aye, John Foody, aye, Jeffrey Golda, aye and William Young, aye, the Board declared itself Lead Agency.

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:

It will not have a significant impact upon the environment and a DEIS will not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels, drainage or existing traffic patterns. In addition, it will have no impact upon the aesthetics, agricultural or cultural resources of the neighborhood and no vegetation, fauna or wildlife species will be 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 Anthony Iurica, seconded by William Young, and carried as follows: Bruce Bond, absent, Kevin Garvey, aye, Anthony Iurica, aye, Robert Dell, aye, John Foody, aye, Jeffrey Golda, aye and William Young, aye, the Board made a Negative Declaration.

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

1. 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
2. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
3. The Drainage Consultant to the Planning Board, Brooker Engineering, recommends that the Drainage Study be approved for drainage subject to the following conditions (June 13 and September 25, 2007 letters):
  1. All details contained in the Stormwater Management Report shall be added to the Site Plan to assist future inspection, i.e. BioSwale, catch basin detail, outlet structure, etc.
  2. A profile and typical section of the 48-inch detention pipe shall be added to the plan. There is a discrepancy of the slope and inverts of the 48-inch pipe between the Site Plan and the Stormwater Report. The Stormwater Report states that pipe should have a 0.2% slope; the Site Plan lists the inverts of the pipe as elevation 46.0 at the upstream end and 43.6 at the downstream end (which results in a slope of 3%). In order to achieve the required detention, the inverts of the pipe should be adjusted on the Site Plan to be consistent with the Stormwater Report.

3. A larger scale detail of the water quality swale that contains the proposed grading should be added to the plan.
4. The inside dimensions of the catch basin shown on the "Bio-Swale Facility with Outlet Structure Detail" should be increased to accommodate the 48-inch outlet pipe. The model number for the frame and grate of the catch basin should be specified.
5. A detail of the outlet structure (Storm MH-1) should be added to the Site Plan and Stormwater Report.
6. The discrepancy of the pipe diameter size of the outlet structure outlet pipe between the Site Layout Plan and Erosion Control Plan should be resolved.
7. A detail of the existing storm manhole where the proposed 12-inch/18-inch outlet structure outlet pipe terminates should be added to the Site Plan to ensure that this connection can be made. The existing 42-inch pipes at this structure may make the connection difficult.
4. New York State Department of Transportation has reviewed the Site Plan for the project and does not have any comments as the proposed project is not on a State highway and should not have a major impact on the state highway.
5. The use of the warehouse shall be disclosed in writing.
6. The revised drainage calculations are under review by DEME.
7. Copies of all correspondence, including any and all approvals with the New York State Department of Environmental Conservation, U.S. Army Corps. of Engineers, Rockland County Drainage Agency, etc., in connection with this proposed subdivision, shall be supplied to the Planning Board and DEME prior to signing of the map.
8. 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.
9. A truck wash off area shall be added to the SESC Plans.
10. The datum for the contours shall be given. Also, a note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.
11. A permit from the Rockland County Drainage Agency will be required and application material must be submitted.
12. The Town of Clarkstown Planning Board reviewed the plans and found no outward planning issues as related to the Town of Clarkstown. However, the Planning Board is concerned that any hazardous materials be stored with all of the appropriate security and safety measures at the facility.

13. 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.

14. 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.

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

16. The revised overall site plan shall be revised to include a bulk table and parking calculations that show how the existing and proposed construction relate to the applicable requirements.

17. The Rockland County Department of Planning recommends that the applicant submit a Soil Erosion and Sediment Control Plans and details. The Soil Erosion and Sediment Control Plan shall meet the NYS Guidelines for Urban Erosion and Sediment Control.

18. The Fire Zones must be clearly marked on the Site Plan. Access to the Fire Zones shall be unimpeded by other parking areas and maneuverability on the site feasible.

19. The fire department connections shall be designated on the Site Plan and kept clear for easy access by the emergency response vehicles.

20. The Rockland County Highways Department found that the proposal will have no foreseeable adverse impacts upon the county highway system.



21. Based upon the Rockland County Drainage Agency (RCDA) evaluation of available mapping and the information submitted, it has been determined that the proposed activity is within the jurisdiction of the RCDA. Accordingly, a permit from the RCDA pursuant to Chapter 846, Rockland County Stream Control Act, is required. The applicant shall submit an application to the RCDA immediately.
22. The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.
23. 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.
24. 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.
25. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
26. 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).

27. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
28. 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 DEMA 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
29. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.
30. 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.
31. 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 Anthony Iurica, seconded by William Young and carried as follows: Bruce Bond, absent; Anthony Iurica, aye; Robert Dell, aye; John Foody, aye; Jeffrey Golda, aye; William Young, 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 26, 2007** (sept26 pg 27)

Planning Board	decd.			
Planning Board	OBZPAE	RC Planning	RC Drainage	RC Highway
Env. Mgt. Eng.	LMS	Town Board	Assessor	Town Attorney
PRC	Superv			

**State Environmental Quality Review Regulations  
NEGATIVE DECLARATION**

**Notice of Determination of Non-Significance**

**Wyeth Site Plan- Building 241  
Final Site Plan  
Approval Subject to Conditions**

**PB #06-24  
September 26, 2007  
Page 10 of 10**

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: Wyeth Site Plan- Building 241**

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

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

**DESCRIPTION OF ACTION: Site Plan Review**

**LOCATION:** The site is located at 401 North Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 68.08, Block 1, Lot 1 in the LI zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

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

**PLANNING BOARD DECISION  
TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**The Korean 7<sup>th</sup> Day Adventist Church Site Plan  
Final Site Plan Approval  
Subject to Conditions**

**PB #07-46  
September 26, 2007  
Page 1 of 7**

TO: Donald Brenner, P.E., LL.B.  
4 Independence Avenue  
Tappan, NY 10983

FROM: Orangetown Planning Board

RE: The application of John Kim, applicant, for The Greater NY Corporation of 7<sup>th</sup> Day Adventists, owners for Final Site Review for a site to be known as "**The Korean 7<sup>th</sup> Day Adventist Church Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the code of the Town of Orangetown. The site is located at 573 Route 303, Blauvelt, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 70.15, Block 1, Lot 44 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held September 26, 2007, at which time the Board made the following determinations: Steve Collazuol, John Kim, Donald Brenner and Jan Degenshein appeared and testified.

The Board received the following communications:

1. Project Review Reports dated July 18 and September 19, 2007.
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 26, 2007.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated July 19, 2007.
4. Letters from HDR/LMS, signed by Harvey Goldberg, P.E., dated August 31 and July 20, 2007.
5. Letters from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated September 12 and July 19, 2007.
6. Letters from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated September 7 and July 3, 2007.
7. Letters from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated August 29 and March 20, 2007.
8. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 26, 2007.

9. A letter from the New York State Department of Transportation, signed by Ursus Idosu, SEQRA/HWP Unit, dated July 9, 2007.
10. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael B. Bettmann, Chief Fire Inspector, dated August 21, 2007.
11. A letter from Degenshein Architects, signed by Jan Degenshein, President, dated August 8, 2007.
12. A letter from John E. Collazuol & Associates, signed by Steven Collazuol, P.E., L.S., dated August 14, 2007.
13. Retaining Wall Calculations, prepared by John E. Collazuol & Associates, signed by Steven Collazuol, P.E., L.S., dated October 26, 2006.
14. Seepage Pit Calculations, prepared by John E. Collazuol & Associates, signed by Steven Collazuol, P.E., L.S., dated October 16, 2006.
15. Plans prepared by John Collazuol & Associates, dated August 2, 2006, revised June 1, 2007, unless noted:
  - Sheet 1 of 5: Site Plan
  - Sheet 2 of 5: Soil Erosion & Sediment Control Plan
  - Sheet 3 of 5: Landscaping and Lighting Plan
  - Sheet 4 of 5: Details
  - Sheet 5 of 5: Boundary and Topographic Survey, dated March 23, 2006, revised March 14, 2007.
16. Copies of ACABOR #07-27, Approved with Conditions, dated May 15, 2007, and PB #06-73, Preliminary Site Plan Approval Subject to Conditions, dated January 24, 2007.

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

1. The Site Plan shall be signed and sealed by both a Professional Land Surveyor and a Professional Engineer.
2. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."

3. 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.
4. Portions of the proposed retaining wall appear over an existing sewer line. Details of the construction of the wall over the sewer line shall be provided.
5. All existing easements shall be shown on the plan, including page and liber or instrument number and ownership.
6. The applicant's Engineer shall specify whether the Perc Rate given in the supplied drainage calculations (dated 10/26/06) is assumed or based upon a field survey. If the per rate is assumed, a field Perc Test shall be administered prior to the installation of the proposed seepage pits, to ensure adequacy of designed drainage system. The applicant's engineer shall provide a copy of the Perc Test to DEME and the Building Department.
7. A maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to DEME and the Town of Orangetown Town Attorney's Office for review and approval. Said agreement shall include a maintenance and management schedule, inspection checklist, contact person with telephone number, yearly report to be submitted to DEME, etc.
8. The Drainage Consultant to the Planning Board recommends acceptance for drainage without conditions.
9. The Town shall be assured that the Site Plan is in compliance with all applicable aspects of the Route 303 Overlay Zone, including vegetative buffer requirements.
10. If there are any applicable Town regulations regarding setbacks and shielded lighting for development adjacent to residentially used or zoned lands, the site plan shall demonstrate compliance with these regulations.
11. The Town shall be satisfied that the updated landscaping, lighting and signage plans meet all applicable Town requirements.
12. There shall be no net increase in stormwater runoff from the site.
13. Soil Erosion and Sediment Soil Erosion and Sediment Control Plans and Environmental Management and Engineering for review and approval. The Soil Erosion and Sediment Control Plan shall meet the NYS Guidelines for Urban Erosion and Sediment Control.
14. Public sewer mains requiring extensions within a right of way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

15. 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.

16. 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 this Site Plan.

17. The Rockland County Department of Highway reviewed the plans and found that the proposed access off of Route 303 would have no foreseeable adverse effect upon county roads in the area.

18. The New York State Department of Transportation SEQRA Unit has completed a cursory review of the proposed Korean Church property. The Department conceptually agrees with the proposed two-driveway design for the subject property. However, the proposed driveway details and its location will be reviewed and commented on during the Highway Work Permit review process. The applicant shall contact the local Highway Work Permit Engineer to initiate a Highway Work Permit review process.

19. Based upon the Rockland County Drainage Agency (RCDA) evaluation of available mapping and the information submitted, it has been determined that the proposed activity is within the jurisdiction of the RCDA. Accordingly, a permit from the RCDA pursuant to Chapter 846, Rockland County Stream Control Act, is required. The applicant has submitted an application to the RCDA And it is currently under review. To date, RCDA has not received a formal response from the applicant or the applicant's consultant addressing the RCDA comments regarding RCDA Permit Application No. 07-10. The applicant must make a formal response to the RCDA and the requested information must be submitted in **triplicate**, as required by the permit application.

20. The Rockland County Department of Health approval is required for the County's Bureau of Mosquito Control program. The applicant shall contact Brian Hunderfund to coordinate the application.

21. The Town of Orangetown Bureau of Fire Prevention provided the following conditions:

This is a change of use.

The church shall apply for and maintain a Certificate of Compliance Fire Safety with the Town of Orangetown Bureau of Fire Prevention.

An assembly space of more than 100 occupants requires an NFPA 13 Complaint sprinkler system in addition to an NFPA 72 compliant fire and smoke alarm system. This is connected to Rockland County 44-Control and transmitting alarms in contact ID format. With two (2) dedicated phone lines for fire alarm transmission only.

The Fire Sprinkler system shall be inspected annually, the Fire Alarm system tested quarterly and reports forwarded to the Town of Orangetown Bureau of Fire Prevention.

An approved fire emergency plan posted and updated annually.

Required emergency lighting and exit lighting as required.

Portable Fire extinguishers installed and maintained according to NFPA 10.

Parking and signage be shown on the final approved Site Plan and maintained.

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

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

24. 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:



**Continuation of Condition #24.....**

- 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 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.
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.
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.

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

Minority Opinion of the Planning Board: Robert Dell: Mr. Dell does not agree with the approval of this Site Plan since it does not conform to the Route 303 Overlay District Zone requirements.

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 26, 2007** (sept26, pg 34)

Planning

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