

**TOWN OF ORANGETOWN PLANNING BOARD
MEETING OF SEPTEMBER 10, 2008**

MEMBERS PRESENT:

Robert Dell, Chairperson; Bruce Bond, Vice-Chairperson,
Kevvin Garvey, John Foody, and William Young

MEMBERS ABSENT: Jeffrey Golda and Anthony Iurica

ALSO PRESENT: John Giardiello, Director, Department of Building, Zoning ,
Planning Administration and Enforcement,
Robert Magrino, Deputy Town Attorney, Ann Marie Ambrose, Stenographer and
Debbie Arbolino, Administrative Aide.

Robert Dell, Chairperson called the meeting to order at 7:35 P.M.
Mr. Bond read the agenda. Hearings as listed on this meeting's agenda which
are made a part of these minutes were held as noted below:

155 Corporate Drive Site Plan **PB #08-46**
Site Plan Consultation **Consultation**
73.15/1/18 and 73.19/1/1, LIO zone

Wyeth Site Plan- Building 215A **PB #08-47**
Final Site Plan Review **Final Site Plan Approval**
68.08/1/1; LI zone **Subject to Conditions**

Continued from the July 9, 2008 Meeting:
Wyeth Site Plan - North Retention Basin **PB #08-40**
Prepreliminary/Preliminary/Final Site Plan **Continued to**
and SEQRA Review **September 24th**
68.08/1/1; LI zone **Meeting**

Continued from the June 11, 2008 Meeting:
Sunset Homes Minor Subdivision Plan **PB #08-17**
Prepreliminary/Preliminary Subdivision Plan **Continued**
and SEQRA Review **Need Additional**
70.09/2/23; R-15 zone **Information**

Capital Management Group Site Plan **PB #08-48**
Prepreliminary/Preliminary Site Plan, **Preliminary Site Plan**
Change of Use and SEQRA Review **Approval Subject**
68.16/6/36; CS zone **to Conditions/Neg. Dec.**

Student Bus Company Site Plan **PB #08-49**
Amendment to Final Site Plan/SEQRA Review **Amendment**
74.07/1/15; LI zone **Previously Obtained**
in March 2008;
Planning Board Approves
Signing of Site Plan

**Town of Orangetown
Planning Board
September 10, 2008 Meeting**

Biondi Site Plan

Amendment to Preliminary Site Plan
and SEQRA Review
Critical Environmental Area
75.05/1/13 R-22 zone

POSTPONED

PB #08-50

OTHER BUSINESS: Johannes Isaac Blauvelt House; Letter dated August 18, 2008 from the New York State Office of Parks, Recreation and Historic Preservation: The Board reviewed the correspondence and supports the nomination of the structure to the National and State Registers of Historic Places. A motion was made by Robert Dell seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; Anthony Iurica, absent; Kevin Garvey, aye; John Foody, aye; William Young, aye; Robert Dell, aye and Jeffrey Golda, absent.

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 Bruce Bond and second 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 24, 2008**.

**DATED: September 10, 2008
Town of Orangetown Planning Board**

**TOWN OF ORANGETOWN PLANNING BOARD – CONSULTATION
September 10, 2008**

155 Corporate Drive Site Plan

TO: Jay Greenwell, PLS; 85 Lafayette Avenue; Suffern, NY 10901

FROM: Orangetown Planning Board

RE: Application of 155 Corporate Drive, Inc., owner, for Consultation, 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 155 Corporate Drive, on the south side of Corporate Drive, 850 feet west of Olympic Drive, Orangeburg, New York. Tax Map: 73.15/1/18 & 73.19/1/1; LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 10, 2008**, at which time the Board made the following determinations:

Andy DelVecchio and Mila Pembroke appeared and testified.

The Board received the following communications:

1. A Project Review Report dated September 3, 2008.
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 10, 2008.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 4, 2008.
4. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael B. Bettmann, Chief, dated July 29, 2008.
5. Plans and Photographs of the Site and proposed Structure prepared by Russo Development, dated July 2, 2008. Revised Plans were presented at the meeting.
6. A letter signed by Edward Russo, President and Chief Operating Officer, Russo Development, dated July 3, 2008.

CONSULTATION: In view of the foregoing and the testimony before the Board, the provided the following comments:

1. The applicant needs to prepare a Site Plan in accordance with Chapter 21A, "Site Development Plan Approval of the Town of Orangetown".
2. The Setbacks shall be labeled on the Site Plan.
3. The required 100 foot "Buffer Area" is in addition to the 100 foot setback. The applicant can request up to a 50% reduction of the 100 foot setback that abuts the 100 foot buffer area.

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155 Corporate Drive Site Plan

4. Any and all exterior dumpster locations have to be shown on the Site Plan.
5. A covenant for offsite parking, acceptable in form and substance to the Town of Orangetown Town Attorney's Office, needs to be provided for the future parking spaces.
6. Based on the current submission, the applicant will need to appear before the Town of Orangetown Zoning Board of Appeals and the Architecture and Community Appearance Board of Review, in addition to the Planning Board.
7. The "future electrical sub-station" requires a Conditional Use approval from the Planning Board.
8. Drainage calculations, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to the Town of Orangetown Department of Environmental Management and Engineering (DEME) for review and approval. The applicant's engineer shall design onsite storage to achieve a zero increase in runoff from the proposed site.
9. Sanitary calculations for the proposed site, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval.
10. The existing sanitary sewer main along corporate drive shall be shown on the Site Plans.
11. The proposed sanitary building connections shall be shown on the Site Plans.
12. All existing easements and dedications shall be shown on the Site Plans, including page and liber or instrument number, and ownership.
13. The applicant shall consider providing a 25 foot wide access and utility easement to the Town of Orangetown through Lot #73.19/1/1, from the Town's 73.15.1.17 (to the North) out to Corporate Drive.
14. Copies of all correspondence, including all approvals with the New York State Department of Environmental Conservation, the Rockland County Drainage Agency, etc. in connection with this proposed Site Plan, shall be supplied to the Planning Board and DEME, prior to signing the Site Plan.
15. The Bureau of Fire Prevention, Town of Orangetown had the following concerns in regards to the proposed warehouse:
 - 1) What is the proposed storage.
 - 2) How will the storage be arranged.
 - 3) Will there be in rack sprinkler coverage.
 - 4) Fire Department access road around the south end of the building shall be provided.
 - 5) The building will be protected by a sprinkler system designed in accordance to NFPA 13 and maintained according to NFPA 25.

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155 Corporate Drive Site Plan

Continuation of Condition #15....

6) A building fire alarm system designed in accordance to NFPA 72. Connected to Rockland County 44-Control with 2 dedicated (copper) phone lines that transmits the alarm in contact ID format. With red and amber exterior strobes as required by Orangetown Code.

7) Portable Fire extinguishers installed and maintained according to NFPA 10.

8) Apply for and maintain a Certificate of Compliance Fire Safety with the Town of Orangetown Bureau of Fire Prevention.

9) Install a Key Box.

10) Show Fire Zone/Fire Lane “No Parking” on the Final Approved Site Plan.

11) Install FDC sign as required by Orangetown Code and install and maintain any or all “No Parking” fire zone signs.

16. 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.”

17. 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.

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

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

20. 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:

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155 Corporate Drive Site Plan

Continuation of Condition #20....

- 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.
- 21.** 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.
- 22.** 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.

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155 Corporate Drive Site Plan

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

24. 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).

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

26. 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

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

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

Dated: September 10, 2008

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
September 10, 2008**

**Wyeth Site Plan – Building 215A; Final Site Plan Approval
Subject to Conditions**

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, **Final Site Plan Approval** at a site known as “**Wyeth Site Plan – Building 215A**”, 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 a meeting held **Wednesday, September 10, 2008** at which time the Board made the following determinations:

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

The Board received the following communications:

1. Project Review Report dated September 3, 2008.
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 10, 2008, attachment of a Short Environmental Assessment Form for the Proposed Substation dated September 4, 2008, signed by Michael McDermott, Vice President Operations.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated September 8 & 4, 2008.
4. Letters from Brooker Engineering, signed by Kenneth DeGennaro., P.E., dated September 9, and July 8, 2008.
5. A letter from Rockland County Department of Planning signed by Salvatore Corallo, Commissioner of Planning, dated September 4, 2008.
6. A letter from the Rockland County Drainage Agency, signed by Edward Devine, Executive Director dated August 19, 2008.
7. A letter from the Town of Clarkstown, Department of Planning, signed by Rudolph Yacyshyn, Acting Chairman, dated July 29, 2008.

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**Wyeth Site Plan – Building 215A; Final Site Plan Approval
Subject to Conditions**

8. Plans prepared by Jacobs, signed and sealed by Robert York, RA.:
- Sheet 1 of 4: Overall Site Plan, dated April 29, 2008, revised August 4, 2008
 - Sheet 2 of 4: Site Plan, dated April 29, 2008, revised August 4, 2008
 - Sheet 3 of 4: Utility Details, dated August 4, 2008
 - Sheet 4 of 4, Site and Construction Details, dated August 4, 2008

The Board reviewed the plans.

The hearing was then opened to the Public. There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Kevin Garvey seconded by Bruce Bond and carried as follows:

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

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

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

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

1. The applicant shall comply with all pertinent and applicable conditions of previous Board Decisions: ACABOR #08-37, Approved with Conditions, dated July 22, 2008 and PB #08-36, Preliminary Site Plan Approval subject to Conditions, dated July 9, 2008.
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."

Wyeth Site Plan – Building 215A; Final Site Plan Approval Subject to Conditions

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. The Site Plan shows a “proposed substation”. This facility needs to be included on the Short Environmental Assessment Form. In addition, the applicant needs to describe the use of the substation such as “emergency” or “temporary” etc.

5. DEME rescinds its request that the north detention basin be designed, approved and installed prior to the Building 215A plans being signed. The applicant has designed and underground storage and capture facility to treat and store the runoff from the proposed Building 215A site. The applicant has indicated that once the north basin is approved and installed, the stormwater runoff from this site will be piped into the north basin.

6. The drainage calculations are under review by DEME.

7. The Soil Erosion and Sediment Control Plans and Details, which are part of the applicant’s SWPPP, are under review by DEME.

8. The SWPPP is currently under review by DEME, a formal response will be sent directly to the applicant and its engineer.

9. In the Drainage Consultant’s letter dated September 9, 2008 to the Planning Board for this application, Brooker Engineering, reviewed the plans which includes an oversized 42-inch storm drainage pipe to provide stormwater detention of the Building 215A annex during construction of this building, prior to the construction of the North Detention Basin. Ultimately, The proposed North Detention Basin will also provide sufficient stormwater detention to achieve a zero net increase in peak runoff rates reduce peak discharges to “Greenfield conditions, or pre-existing runoff rates. In Brooker Engineering’s last drainage review report for the 215A Building Site Plan, dated July 8, 2008, the Drainage Consultant recommended conditional approval with respect to drainage. Conditions 3, 4, 5, 7, 9, 10, 1 and 12 of this report have been satisfactory addressed. **Conditions 1, 2, 6, 8, and 13 – 17 have not been addressed; however these comments pertained to the North Detention Basin.**

10. The Drainage Consultant to the Planning Board believes the Building 215A and the oversized Detention pipe can meet the Town of Orangetown’s requirement of achieving a zero net increase in peak runoff rates for the 1-, 2-, 10-, 25-, and 100-year design storms with respect to the proposed Building 215A Site Plan and therefore recommends that the Building 215A be approved for drainage subject to the following conditions:

(1) The subarea in the drainage calculations that is routed through the oversized detention pipe is 0.31 acres (13,500 square feet) and consists of mainly the new building footprint. An additional subarea accounting for the drainage area that bypasses the pipe (including an impervious area of approximately 4500 square feet) shall be added to the hydrologic model to verify the zero net increase in peak runoff rates.

(2) The hydrographs in the hydrologic model shall be rerun using a 24-hour rainfall distribution.

(3) The outlet structure detail from the Drainage Report shall be included with the Site Plan details.

Wyeth Site Plan – Building 215A; Final Site Plan Approval Subject to Conditions

Continuation of Condition #10....

(4) A note shall be added to the Site Plans, "All roof leaders shall be conveyed to "NEW CB-215A-4"".

(5) The inside dimensions of the outlet structure shall be changed to 8' x6' on the detail to be consistent with the hydraulic calculations.

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

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

13. Signage, lighting and landscaping plans shall be provided that meet all Town of Orangetown requirements.

14. A review shall be completed by the Town of Clarkstown and any concerns addressed.

15. 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.

16. 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.

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

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

19. 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.

Wyeth Site Plan – Building 215A; Final Site Plan Approval Subject to Conditions

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

21. The Town of Clarkstown Planning Board deems the matter for local determination. The Planning Board requests a copy of the drainage plan to be sent to the Town Department of Environmental Control for the File.

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:

- 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.

**Wyeth Site Plan – Building 215A; Final Site Plan Approval
Subject to Conditions**

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.

**TOWN OF ORANGETOWN PLANNING BOARD DECISION
September 10, 2008**

**Wyeth Site Plan – Building 215A; Final Site Plan Approval
Subject to Conditions**

The Board made a motion to override a recommendation from Brooker Engineering, Planning Board Drainage Consultant, letter dated September 9, 2008, signed by Kenneth DeGennaro, P.E.

(1) The Building 215A Site Plan should include the construction sequencing of the North Detention Basin with respect to the construction of the Building 215A annex to the Building 215A Site Plan. The Planning Board may wish to make the construction of the North Detention Basin a condition of a Certificate of Occupancy for the Building 215A annex. The construction sequencing should also include the proposed detention pipe.

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

The Board made a motion to override Condition #2 of the September 4, 2008 letter from Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, for the following reasons:

“#2. As indicated in the June 11, 2008 letter from the Rockland County Drainage Agency (RCDA), a permit from the RCDA will be required and application materials must be submitted”.

The Board held that the Rockland County Drainage Agency letter, signed by Edward Devine, Executive Director dated August 19, 2008, did not request a permit.

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, Anthony Iurica, absent, Jeffrey Golda, absent William Young, aye and John Foody, aye.

The foregoing Resolution was made and moved by Bruce Bond and seconded by Kevin Garvey, and carried as follows: Bruce Bond, aye; Anthony Iurica, absent; Robert Dell, aye; John Foody, aye; Jeffrey Golda, absent; 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 10, 2008

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
September 10, 2008

Capital Management Group Site Plan; Preliminary Site Plan
Approval Subject to Conditions; Neg. Dec.

TO: Jay Greenwell, PLS; 85 Lafayette Avenue; Suffern, NY 10901

FROM: Orangetown Planning Board

RE: The application of Thomas Mingone, Capital Management Group, applicant, for Joseph Sepkowski, owner, for Prepreliminary/Preliminary for a Site Plan at a site to be known as "**Capital Management Group Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the code of the Town of Orangetown. The site is located on the north side of Central Avenue approximately 200-ft west of Henry Street in Pearl River. The 15,000-Sf site contains an existing 2-story frame dwelling and a paved driveway leading to an existing detached garage with access from Central Avenue. The Applicant proposes to convert the existing dwelling to office space and to expand the building by constructing a new two story addition. The site is located at East Central Avenue, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 68.16, Block 6, Lot 36 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 10, 2008**, at which time the Board made the following determinations:

Jay Greenwell, Tom Mingone, Pat Loftus and Kier Leveque appeared and testified.

The Board received the following communications:

1. A Project Review Report dated September 3, 2008.
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 10, 2008.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 4, 2008.
4. A letter from HDR, signed by Harvey Goldberg, P.E., dated August 28, 2008.
5. Letters from Rockland County Highway Department, signed by Sonny Lin, P.E. dated September 3, 2008.
6. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated August 26, 2008.
7. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., dated July 24, 2008.
8. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael B. Bettmann, Chief, dated September 3, 2008.
9. A letter from the Zoning Board of Appeals, Town of Orangetown, signed by William Mowerson, Chairperson, dated July 22, 2008.

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10. A Short Environmental Assessment Form, signed by Thomas Mingone, Capital Management Group, dated July 21, 2008.

11. Drainage Analysis, prepared by Stuart Strow, P.E., dated July 15, 2008.

12. Copy of PB #08-27, Consultation, dated May 14, 2008.

13. Plans prepared by Jay Greenwell, PLS, LLC, dated February 7, 2008, revised July 15, 2008:

- Sheet 1: Site Development Plan

- Sheet 2: Details

Public Comment:

Christopher Ross, 168 Washington Avenue, Pearl River, raised concerns regarding children hanging out on the property. He requested that the dumpster be enclosed or that there be no dumpster on the site.

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

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

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The project shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review. That Board shall review the plans for the extension of the fence along the rear property line and a vegetative buffer.
4. The Short Environmental Assessment Form appears to be in order.

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5. The following variances need to be sought from the Town of Orangetown Zoning Board of Appeals:

The required Number of Parking Spaces are 15 and 10 are provided.
(Section 3.12, Column 6, #2)

The required Buffer is 50 feet and 35 feet is provided. (Notes to Use & Bulk Tables, Note 2.) Please note the 35 foot buffer area is also being disturbed to install the subsurface drainage facility.

6. The site distances at the entrance and exit of the proposed driveway shall be provide on the Site Plan.

7. A detail of the dumpster enclosure shall be provided on the Site Plan.

8. The existing and proposed heights of the building shall be provided on the Bulk Table.

9. Deep test pits in the locations of the proposed drainage facilities shall be done and the test results provided to the Planning Board.

10. The drainage calculations are currently under review by DEME. However, because the Perc Rate is assumed, a field Perc Test shall be administered prior to receiving Final Approval for the Site Plan, to ensure adequacy of designed drainage system. The applicant's engineers shall provide a copy of the field Perc Test to DEME and the Building Department.

11. The Soil Erosion and Sediment Control Plans and Details are under review by DEME. However, the soil erosion controls shall be shown around all proposed regrading.

12. The erosion control plans and details shall be modified to reflect a "stone-filter" system around the proposed catch basin and other drainage facilities, for keeping out silt and foreign material, a detail shall be provided.

13. The existing sanitary sewer building connection shall be shown on the Site Plan.

14. Based on the Planning Board Drainage Consultant's review of the plans and calculations, the Consultant believes that the proposed Plan can be made to achieve a zero net increase in runoff rate from the developed site and therefore recommends acceptance for drainage subject to the following conditions:

The proposed development will increase the impervious area of the site by 4,630SF. This increase in impervious area will also increase the runoff from the site. Two proposed drywell galleries are proposed to mitigate the increase in runoff. Drainage calculations have been provided.

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Continuation of Condition #14....

- The calculation to determine the required storage volume is incorrect and must be revised and resubmitted. The CN values used in the calculation are based on the entire 15,000SF site. However, the storage volume is based on just the additional impervious area (4,630SF) instead of the entire site (15,000SF).
- The calculation uses a 9-ft by 9-ft square stone gallery, and determines that four are required. The Plan indicates that two 15-ft by 20-ft stone galleries are proposed. The calculations must be revised to be consistent with the Plan.
- Under the developed plan, the increased runoff is discharged to two identical drywell galleries, one in the front and one in the rear of the site. A calculation must be provided that indicates the percentage of the total runoff that goes to each of the drywell galleries. If necessary, the size and capacity of each drywell gallery must be revised in proportion to the percentage of runoff it will receive.
- The Trench Drain Detail must have a 12-in minimum sump and shall indicate the manufacturer and model of the trap (or complete details of the trap that will permit construction).
- It appears that the easterly Trench Drain is very near the high point of the driveway and could be omitted or relocated to a point where it will collect more runoff. Provide sufficient grading information that will prevent street runoff from flowing down the driveway (i.e. a berm or high point on the driveway apron).
- The westerly Trench Drain indicates Grate EI 304.8 and Inv EI 302.8. However, the driveway elevation at that point is less than EI 302.0. It will be necessary to revise these elevations and probably that of the front Drywell Gallery as well.
- The Drywell Detail indicates a 9-ft by 9-ft square excavation instead of 15-ft by 20-ft.
- The Plan indicates a drywell depth of 4-in instead of 4-ft. The Top elevation must be added for each pair of drywells on the plan, and/or detail.

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15. The Town of Orangetown Bureau of Fire Prevention had the following conditions;

(1). The entrance on the east side shall be widened to at least 12 feet with low profile curbing and the west side exit shall be widened to the maximum width allowable along the property line. The radius of the dumpster enclosure must be decreased to allow unobstructed access to the rear lot. In addition, there shall be an unobstructed height of 13 feet six inches maintained at all times in the driveway area.

(2). Fire extinguishers shall be provided as per NFPA 10.

(3). A Fire Sprinkler System shall be installed as per NFPA 13, drawings shall be provided indicating proposed system details; If total square footage of building is 5,000 square feet and up. If a sprinkler system is required, signs indicating the location of the fire department 5 inch storz connection shall be provided in a location to be determined.

(4). All paved areas other than designated/marked parking spaces shall be Fire Lanes. (Signs and appropriate striping shall be provided and maintained by the owner).

(5). An NFPA 72 compliant fire alarm system shall be installed, system design drawings shall be submitted prior to any installation work, system shall be addressable and transmit in contact ID format directly to 44-Control using two dedicated copper telephone lines.

(6). If truss construction is used, signage indicating such shall be provided by owner on the building exterior, in a location to be determined.

(7). A Certificate of Compliance Fire Safety shall be applied for prior to occupancy and maintained with the Town of Orangetown Bureau of Fire Prevention.

(8). A Key Box for fire department access shall be installed on the exterior of the building in a location to be determined by the Town of Orangetown Fire Inspector.

(9). Emergency lighting and Exit Signs shall be installed as per chapter 10 of the New York State Fire Code.

16. The Rockland County Department of Highways reviewed the plans and offered the following comments:

The neighboring and across the street driveway locations shall be shown on the Site Development Plan. The applicant shall offer discussion of how to mitigate the potential conflict of sight distance issues either by proposing new signs or by restricting left turns into or exiting the driveways to negotiate driver's control at the intersections.

A Rockland County Department of Highways Work Permit will be required for the proposed construction adjacent to the County Roadway, and must be secured prior to the start of any excavation or construction on site. This is in addition to any and all permits required by the Town of Orangetown and various involved governmental agencies.

Capital Management Group Site Plan; Preliminary Site Plan Approval Subject to Conditions; Neg. Dec.**Continuation of Condition #16.....**

Separate additional Rockland County Highway Departmental Road Opening Permits will be required should the applicant find it necessary to improve and/or upgrade any existing sanitary sewer or utility connections which involves disruption to the paved surface within Central Avenue.

17. 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.

18. The Rockland County Department of Health (RCDOH) requests that application be made for review of the stormwater management system for compliance with the County Mosquito Code. The applicant shall contact Brian Hunderfund at RDCOH. No other Rockland County Department of Health approvals are needed for this application.

19. 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 Department of Highways
- Town of Orangetown Zoning Board of Appeals

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

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

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

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

Capital Management Group Site Plan; Preliminary Site Plan Approval Subject to Conditions; Neg. Dec.**Continuation of Condition #22.....**

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.

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

Capital Management Group Site Plan; Preliminary Site Plan Approval Subject to Conditions; Neg. Dec.

Continuation of Condition #26....

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 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

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

The foregoing Resolution was made and moved by Bruce Bond and seconded by Kevin Garvey, and carried as follows: Bruce Bond, aye; Anthony Iurica, absent, Robert Dell, aye; John Foody, aye; Jeffrey Golda, absent; 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 10, 2008

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

**State Environmental Quality Review Regulations
NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

PB #08-48

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TOWN OF ORANGETOWN PLANNING BOARD – DECISION

September 10, 2008

**Capital Management Group Site Plan; Preliminary Site Plan
Approval Subject to Conditions; Neg. Dec.**

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: Capital Management Group Site Plan; Preliminary Site Plan
Approval Subject to Conditions; Neg. Dec.**

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: . The site is located at East Central Avenue, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 68.16, Block 6, Lot 36 in the CS 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

