

**Meeting of September 14, 2011  
TOWN OF ORANGETOWN PLANNING BOARD**

**MEMBERS PRESENT:** Kevin Garvey, Chairperson;  
Jeffrey Golda; John Foody; Andy Stewart and Robert Dell

**MEMBERS ABSENT:** Bruce Bond Vice Chairperson and William Young  
**ALSO PRESENT:** John Giardiello, Director, Department of Building, Zoning,  
Planning Administration and Enforcement; Robert Magrino,  
Deputy Town Attorney; Richard Pakola, Deputy Town Attorney;  
Cheryl Coopersmith, Chief Clerk, and Stenographer

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

**New Items:**

<b>Logerfo Tree Remediation Plan</b> Prepreliminary/Preliminary/Final Tree Remediation Plan and SEQRA Review/ Critical Environmental Area 71.13/1/6; R-22 zoning district	<b>POSTPONED TO SEPTEMBER 26<sup>TH</sup> MEETING</b>	<b>PB #11-39</b>
<b>Dominican College – Hennessy Student Center Addition Site Plan</b> Prepreliminary/Preliminary Site Plan and SEQRA Review 70.18/2/14; R-40 zoning district	<b>Preliminary Site Plan Approval Subject to Condition/ Neg. Dec.</b>	<b>PB #11-40</b>
<b>Quinn Subdivision Plan</b> Final Subdivision Plan Review Sparkill Overlay Zone 77.08/5/48; CS – Mixed Use zoning district	<b>Final Subdivision Approval Subject to Conditions</b>	<b>PB #11-41</b>
<b>Quinn Site Plan</b> Final Site Plan Review Sparkill Overlay Zone 77.08/5/48; CS – Mixed Use zoning district	<b>Final Site Plan Approval Subject to Conditions</b>	<b>PB #11-42</b>
<b>Blickman Subdivision Plan</b> Request for a Reduction Performance Bond Amount 69.19/1/25.1, 25.2 & 25.3; R-40 zoning district	<b>Continued to 9/26/11 Mtg.</b>	<b>PB #11-43</b>

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**Other Business:** The Board made a motion to recommend to the Town Board to release Gerry Walsh from the Walsh Subdivision Performance Bond and grant Paul J. Rowley, the new owner of the property, the ability to post the Bond for the property.

The Walsh Subdivision is located at 253 Townline Road, West Nyack, New York, and shown on the Orangetown Tax Map as Section 64.20, Block 1, Lots 3.1, 3.2 and 3.3, R-40 zoning.

A motion was made and moved by Jeffrey Golda and seconded by Andy Stewart and carried as follows: Kevin Garvey, aye; Bruce Bond, absent; Andy Stewart, aye; John Foody, aye; William Young, absent; Robert Dell, aye and Jeffrey Golda, 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 and seconded by Bruce Bond and agreed to by all in attendance. The meeting was adjourned at 8:30 p.m. The next Planning Board meeting is scheduled for **MONDAY, September 26, 2011.**

**DATED: September 14, 2011**  
**Town of Orangetown Planning Board**

**PB #11-40: Dominican College Health Center Expansion Site Plan–  
Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.**

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TO: Joseph Corless Associates, 48 Michael Roberts Court, Pearl River,  
New York 10965  
FROM: Orangetown Planning Board

RE: Dominican College – Hennessy Student Center Addition Site Plan:  
The application of Dominican College, applicant, Rockland County IDA, owner,  
(Brian Quinn, Attorney for the owner), for Prepreliminary/ Preliminary Site Plan  
Review, at a site to be known as “Dominican College – Hennessy Student Center  
Addition Site Plan”, in accordance with Article 16 of the Town Law of the State of  
New York, the Land Development Regulations of the Town of Orangetown,  
Chapter 21A of the Code of the Town of Orangetown and to determine the  
environmental significance of the application pursuant to the requirements of the  
New York State Environmental Quality Review Act. The site is located at 470  
Western Highway, Orangeburg, Town of Orangetown, Rockland County, New  
York, and as shown on the Orangetown Tax Map as Section 70.18, Block 2, Lot  
14 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held  
**Wednesday, September 14, 2011**, the Board made the following  
determinations:

Joseph Corless, Brian Quinn, Michael Dempsey and Sister Kathleen appeared  
and testified. The Board received the following communications:

1. Project Review Committee Report dated September 7, 2011.
2. An interdepartmental memorandum from the Office of Building, Zoning,  
Planning Administration and Enforcement, Town of Orangetown, signed by  
John Giardiello, P.E., Director, dated September 14, 2011.
3. An Interdepartmental memorandum from the Department of Environmental  
Management and Engineering (DEME), Town of Orangetown, signed by  
Bruce Peters, P.E., September 8, 2011.
4. A letter from Brooker Engineering, Planning Board Drainage Consultant, dated  
September 6, 2011, signed by Kenneth DeGennaro, P.E.
5. Letters from the Rockland County Department of Planning, signed by  
Thomas B. Vanderbeek, Commissioner of Planning, dated  
September 1 & 2, 2011.
6. Letters from the Rockland County Department of Highways, signed by  
Joseph Arena, Principal Engineering Technician, dated September 6, 2011.
7. Letters from the Rockland County Department of Health, signed by  
Scott McKane, P.E., Senior Public Health Engineer, dated July 28 & 29, 2011.

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8. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated September 7, 2011.
9. Letters from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief, dated August 2 and September 8, 2011.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, dated September 7, 2011.
11. Letters from New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated September 7, 2011.
12. A letter from Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated September 7, 2011.
13. A Narrative prepared by P.J. Corless, P.E., dated June 30, 2011.
14. A Full Environmental Assessment Form, dated July 1, 2011, signed by P.J. Corless, P.E..
15. Storm Water Management Plan, prepared by P.J. Corless, P.E., dated July, 2011.
16. Site Plans prepared by Corless and Associates, dated July 1, 2011
  - Sheet 1: Amended Site Plan
  - Sheet 2: Existing Conditions
  - Sheet 3: Site Grading & Soil Erosion Control 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 Andy Stewart and second by John Foody and carried as follows: Kevin Garvey, aye; Bruce Bond, absent; Andy Stewart, aye; William Young, absent; Robert Dell, aye; John Foody, aye; and Jeffrey Golda, aye.

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

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Corless and Associates, and the Town of Orangetown's engineering consultant, Brooker Engineering, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, Bureau of Fire Prevention; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Department of Health, Rockland County Sewer District #1 and New York State Department of Transportation, and having reviewed a proposed Site Plan by prepared by Corless and Associates, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;

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- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

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

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

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

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3. The following variances need to be sought from the Town of Orangetown Zoning Board of Appeals:
  - a. Maximum Floor Area Ratio allowed is 0.15 and 0.172 is proposed (R-40 Zone District, Section 3.12 Bulk Regulations, Group H, Column 4).
  - b. The Maximum Height allowed is 3"/foot and 41 feet is proposed. (R-40 Zone District, Section 3.12 Bulk Regulations, Group H, Column 12).
4. Parking calculations shall be provided on the Site Plan.
5. The applicant shall appear before the Town of Orangetown Architecture and Community Appearance Board of Review.
6. The Full Environmental appears to be in order.
7. The Stormwater Management Plan is under review. However, a detail for the proposed pervious pavement/ open joint paver system shall be supplied, along with supporting calculations.
8. All sanitary sewer mains that are to be abandoned shall be removed and clearly indicated on the plans.
9. Soil erosion and sediment control plans and details shall be submitted to DEME for review and approval.
10. The erosion control plans and details shall be modified to reflect a "stone-filter" system around the existing catch basin and other drainage facilities, for keeping out silt and foreign material. A detail for same shall be provided.
11. The Drainage Consultant to the Planning Board, Brooker Engineering, recommends the approval for drainage subject to the following conditions:
  1. The drywells are located in a narrow shoulder adjacent to the access road along the eastern property line. Construction of the drywells in this area will be difficult and may impact off-site vegetation, which is not shown on the plan. There is also an embankment at this location that may preclude construction of the drywells in this area. It is recommended either that drywells be moved to the grassy area adjacent to the building or more detail (i.e. topography, vegetation, existing electric utilites) be added to the current proposed location to show that the drywells can be constructed.

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**Continuation of Condition #11...**

2. The Drywell Detail shall show the precast drywell and the dimensions of the crushed stone backfill. A Plan View shall be added to the detail that shows connection pipes between drywells and the entire crushed stone envelope. Parallel drywells shall be separated by at least the diameter of none drywell. Add filter fabric to the detail at all locations where crushed stone is adjacent to soil. Add a note to the Drywell Detail that “All roof leaders from the addition are to discharge to the drywell system.”

3. Provide the architectural drawing of the roof plan that shows that runoff from the existing rooftop is not diverted to the back of the building and subsequently to the new drywell detention system. The existing rooftop runoff shall not bypass the current drainage pattern of discharging to the larger stormwater management pond in front of the building. Alternately, the applicant may wish to show that the current pond in front of the building has capacity to receive stormwater runoff from the new roof in the rear and eliminate the proposed drywells, assuming this is possible with respect to the proposed elevations.

4. Sheet #3 shall show proposed contours around the building addition and parking lot. Show spot grades at the building corners of the building addition. Show all door locations and area ways if needed. It appears the northern building face will be backfilled to above the lower floor elevations. The “Lower Level Footprint” drawing in the drainage calculations shows and “exit hall” in this location; it is not clear if there is an exterior door and area way needed.

5. The proposed addition shall be removed from the “Sheet #2 – Existing Conditions Amended Site Plan.” The new sidewalks and curb line shall be shown on “Sheet 1 – Amended Site Plan.”

6. For “Sheet #3 – Site Grading and Erosion Control Plan,” the silt fence shall be shown closer to the limits of construction and shall not traverse paved parking areas. The silt fence shown on the plan shall match the legend.

7. The drainage calculations show existing paved parking areas to be removed and replaced with paver surface, which would act as “pervious” ground cover. Details and specifications for the pervious cover shall be added to the Site Plan and approved by the Drainage Consultant. The locations of the modified pavement cover shall be added to the Site Plan. Maintenance and inspection of the pervious cover to be constructed shall be added to the Maintenance Plan. The pervious pavement will affect the required stormwater detention; the Drainage Consultant shall review the detention calculations after receiving specifications on the proposed material to be utilized.



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**Continuation of Condition #11...**

8. The Maintenance Plan shall provide more detail regarding inspection procedures and quantify the requirements of the annual inspections. **The maintenance procedures shall be repeated on the Site Plan and a Map Note shall be added referencing the Declaration of Covenant and the filing information with the Rockland County Clerk.**

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

A review shall be completed by the Rockland County Department of Highways and any required permits obtained.

Signage and lighting Plans shall meet all Town of Orangetown requirements.

A landscaping plan that meets all Town of Orangetown requirements shall be provided.

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

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

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

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

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**Continuation of Condition #12...**

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.

Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.

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

The wording in Note #16 on the Site Plan correctly refers to Section 239L and M of the New York State General Municipal Law. Note #7 is the same as Note 16, except that it refers to Section 239K in error. Note #7 shall be removed from the Site Plan.

The Rockland County Department of Planning requests the opportunity to review any variances that may be requested from the Town of Orangetown Zoning Board of Appeals in order to implement the revised Site Plan, as required by New York State General Municipal Law, Section 239-m, (a)(v).

**13.** The Rockland County Department of Highway reviewed the material provided and found that the proposed action will have no foreseeable adverse impact upon the County Highway System.

**14.** The Rockland County Department of Health reviewed the project had had the following comments:

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

2. Rockland County Department of Health must approve plans for the sewage disposal by per Article IV, Section 4.2.1 of the Rockland County Sanitary Code. Formal application is to be made.

**15.** 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.

**16.** The Town of Orangetown Fire Prevention Bureau had the following comments:

In regards to a 9,000 square foot addition that includes a gym, exercise area and storage:

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**Continuation of Condition #16...**

- 1) Extend the Fire Sprinkler into the new area.
- 2) Extend the Fire Alarm system into the new area.
- 3) With proposals for the Sprinkler and Fire Alarm submitted to Town of Orangetown Fire Prevention Bureau for approvals before work begins.
- 4) Add portable fire extinguishers as required by NFPA 10.
- 5) Add Emergency Lighting as per NEC.
- 6) Consider Fire Department access as per 503 of the New York State Fire Code.

**17.** The New York State Department of Transportation reviewed the Site Plan and drainage study and feel the project will have no significant impact on the state transportation system.

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

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

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

**21. 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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**Continuation of Condition #21...**

- 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.

**22.** 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.

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

**25.** 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).

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

**27.** 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

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

**Override**

The Board made a motion to override Condition #2 of the September 2, 2011 letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning, for the following reasons:

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Condition #2: Parking calculations that demonstrate that the proposed plan meets the applicable Town parking requirements shall be added to the site plan. The calculations should include the overall parking calculations for the campus.

The Board held that the applicant is plans include the preparation of calculations within the vicinity of the gym itself, and for the new parking lot recently paved, located off of Western Highway.

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

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

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

**Dated: September 14, 2011**  
**Town of Orangetown Planning Board**  
attachment

**PB #11-40: Dominican College Health Center Expansion Site Plan–  
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**NEGATIVE DECLARATION**

**Notice of Determination of Non-Significance**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

**NAME OF ACTION: Dominican College Health Center Expansion Site Plan**

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

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

**DESCRIPTION OF ACTION: Site Plan Review**

**LOCATION:** The site is located at 470 Western Highway, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.18, Block 2, Lot 14 in the R-40 zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

John Giardiello, P.E., Director, Office of Building, Zoning and Planning  
Administration and Enforcement

Town of Orangetown

20 Greenbush Road

Orangeburg, NY 10962

Telephone Number: 845-359-5100

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

**PB #11-41: Quinn – Sparkill Subdivision Plan– Final Subdivision Approval  
Subject to Conditions**

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

RE: Quinn Subdivision Plan: The application of Sean Quinn, owner, (Donald Brenner, Attorney for the applicant) for Final Subdivision Plan Review, for a site located in the Sparkill Overlay Zone, to be known as “**Quinn - Sparkill Subdivision Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 3 Union Street, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.08, Block 5, Lot 48 in the CS – Mixed Use zoning district and Sparkill Hamlet Overlay Zone.

Heard by the Planning Board of the Town of Orangetown at a meeting held, **Wednesday, September 14, 2011** at which time the Board made the following determinations:

Donald Brenner and Bill Youngblood appeared and testified for the applicant. The Board received the following communications:

1. Project Review Committee Report dated September 7, 2011.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated September 14, 2011.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., September 8, 2011.
4. A letter from HDR, signed by Michael Murphy, P.E., dated August 24, 2011.
5. A letter from Rockland County Department of Planning, signed Thomas B. Vanderbeek, Commissioner of Planning, dated September 2, 2011.
6. A letter from the Rockland County Department of Highways, signed by Joseph Arena, principal Engineering Technician, dated September 6, 2011.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated August 8, 2011.
8. A letter from New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated September 7, 2011.



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Subject to Conditions**

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9. Subdivision Plan prepared by William D. Youngblood Land Surveying, P.C., dated October 5, 2010, last revised February 7, 2011.

10. Copies of the following Board Decisions ACABOR #11-22, Approved with Conditions, dated July 21, 2011, ZBA #11-13, dated February 16, 2011, PB #10-61, Preliminary Site Plan Approval Subject to Conditions and PB #11-60, Preliminary Subdivision Approval Subject to Conditions, dated December 8, 2010.

The Board reviewed the plan.

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

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

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

2. 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.

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3. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ACABOR #11-22, Approved with Conditions, dated July 21, 2011, ZBA #11-13, dated February 16, 2011, PB #10-61, Preliminary Site Plan Approval Subject to Conditions and PB #11-60, Preliminary Subdivision Approval Subject to Conditions, dated December 8, 2010.

4. Monuments shall be drawn and labeled at **all subdivision corners** and along the entire right of way.

5. The applicant proposed to subdivide a 0.2841 acre (12,375 square foot) parcel into three lots. The site is located between Union Street (north side) and Washington Street (east side) in Sparkill. Typically, the subdivision of land in itself has no impact on drainage. It is only the development of land that affects drainage. Accordingly, the Planning Board Drainage Consultant recommends acceptance for drainage for the subdivision of this lot, only on the grounds that the subdivision of land itself has no impact on drainage (only the development of land impacts drainage).

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

- A review shall be completed by the New York State Department of Transportation and all required permits obtained.
- A review shall be completed by the Village of Piermont its concerns satisfactorily addressed regarding the subdivision and the site plans.
- As indicated in the November 29, 2010 letter from the Rockland County Highway Department, a Work Permit will be required for construction within 500 feet of the County road right of way.
- Notes indicating who will have responsibility for maintenance of the ingress/ egress cross easement shall be added to the subdivision and site plans.
- The Town shall be satisfied that the landscape plan meets all Town requirements. The landscape plan shall be revised to indicate the plant species to be used for the hedge proposed along the Eastern boundary of the property.
- It is noted that the Sparkill Hamlet Center Overlay Zone requires that parking areas be landscaped and separated from the street by stone walls, opaque fencing and/ or landscaped berms or hedges, as determined by the Town Board. It is recommended that the details for such a treatment of the area where a proposed parking space abuts the sidewalk and street of Union Street be provided.

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Subject to Conditions**

**Town of Orangetown Planning Board Decision  
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**Continuation of Condition #6...**

- The Town shall be satisfied that the proposed signage plan meets all Town of Orangetown requirements.
- Prior to the start of construction or grading, a soil and erosion control plan shall be developed in place for the entire site that meets the New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in storm water runoff from the site.
- A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (August 2010) and local ordinances.
- Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages and County with an adequate supply of water. A letter from the public water supplier, stamped and sealed by a NYS licensed professional engineer, shall be issued to the municipality for this project, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.
- If any public water supply improvements are required, engineering plans and specification for these improvements shall be reviewed by the Rockland County Department of Health, prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.
- 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.
- The fire department connections shall be designated on the Site Plan and kept clear for easy access by the emergency response vehicles.

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7. The Rockland County Department of Highway reviewed the proposed action and provided the following comments:
- The project has determined that it should a diminimus impact upon county roads in the area.
  - A Rockland County Highway Department Work Permit is required for the proposed construction within 500 feet of the County right of way, in addition to any and all permits required by the local municipality and various involved governmental agencies, and must be secured prior to the start of any excavation or construction on the site.
  - The Site Plan shall indicate the name of the party responsible for the future maintenance and proper function of the onsite drainage system.
8. Application is to be made to the Rockland County Department of Health for review of the Stormwater Management system for compliance with the County Mosquito Code.
9. The New York State Department of Transportation reviewed the plan and found that the proposed subdivision not a section of Route 340 owned by the state and feel the project will have no significant impact on the state transportation system.
10. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plans prior to signing the final plans.
11. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.
12. 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:

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**Continuation of Condition #12....**

- 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.

**13.** 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.

**14.** 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.

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

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**16.** 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).

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

**18.** 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

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

The foregoing Resolution was made and moved by John Foody and seconded by Andy Stewart and carried as follows: Bruce Bond, absent; Andy Stewart, aye; William Young, absent; 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 14, 2011  
Town of Orangetown Planning Board**

**PB #11-42 Quinn – Sparkill Site Plan– Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**

**September 14, 2011**

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

RE: Quinn Site Plan: The application of Sean Quinn, owner, (Donald Brenner, attorney for the applicant) for Final Site Plan Review, for a site located in the Sparkill Overlay Zone, to be known as “Quinn Sparkill 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 3 Union Street, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.08, Block 5, Lot 48 in the CS – Mixed Use zoning district and Sparkill Hamlet Overlay Zone.

Heard by the Planning Board of the Town of Orangetown at a meeting held, **Wednesday, September 14, 2011** at which time the Board made the following determinations:

Donald Brenner and Bill Youngblood appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated September 7, 2011.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated September 14, 2011.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., September 8, 2011.
4. A letter from HDR, signed by Michael Murphy, P.E., dated August 24, 2011.
5. A letter from Rockland County Department of Planning, signed Thomas B. Vanderbeek, Commissioner of Planning, dated September 2, 2011.
6. A letter from the Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated September 6, 2011.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated August 8, 2011.
8. A letter from New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated September 7, 2011.

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9. Site Plans prepared by William D. Youngblood Land Surveying, P.C., dated October 5, 2010, last revised February 7, 2011:

- Drawing 2 of 5: Site Plan
- Drawing 3 of 5: Grading, Utility & Erosion Control Plan
- Drawing 4 of 5: Landscaping & Lighting Plan
- Drawing 5 of 5: Details

10. Copies of the following Board Decisions ACABOR #11-22, Approved with Conditions, dated July 21, 2011, ZBA #11-13, dated February 16, 2011, PB #10-61, Preliminary Site Plan Approval Subject to Conditions and PB #11-60, Preliminary Subdivision Approval Subject to Conditions, dated December 8, 2010.

The Board reviewed the plan.

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

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

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

2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.



**PB #11-42 Quinn – Sparkill Site Plan– Final Site Plan Approval Subject to Conditions**

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**3.** The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ACABOR #11-22, Approved with Conditions, dated July 21, 2011, ZBA #11-13, dated February 16, 2011, PB #10-61, Preliminary Site Plan Approval Subject to Conditions and PB #11-60, Preliminary Subdivision Approval Subject to Conditions, dated December 8, 2010.

**4.** The sight distance measurement in the East direction needs to be labeled on the Site Plan.

**5.** A SWPPP shall be prepared for this Site Plan.

**6.** More detailed soil erosion and sediment control plans and details shall be submitted to DEME for review and approval, i.e. catch basin protection, truck wash off area(s), etc.

**7.** The sight distance at the proposed new driveway exit along Union Street shall be given on the Site Plans.

**8.** 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 for same shall be provided.

**9.** The Drainage Consultant to the Planning Board recommends acceptance for drainage without conditions, subject to the applicant revising the limits of proposed ingress/egress easement to include the proposed drainage features (drywells, drainage piping, catch basins). Furthermore, the maintenance agreement shall be updated to include language covering the long term maintenance of the drainage system, making the owners of all three lots equally responsible for its upkeep. The updated easement and maintenance agreement for the proposed drainage features shall be reviewed and approved by the Town of Orangetown Town Attorney’s Office for substance and form.

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

- A review shall be completed by the New York State Department of Transportation and all required permits obtained.
- A review shall be completed by the Village of Piermont its concerns satisfactorily addressed regarding the subdivision and the site plans.

**PB #11-42 Quinn – Sparkill Site Plan– Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**

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**Continuation of Condition #10....**

- As indicated in the November 29, 2010 letter from the Rockland County Highway Department, a Work Permit will be required for construction within 500 feet of the County road right of way.
- Notes indicating who will have responsibility for maintenance of the ingress/egress cross easement shall be added to the subdivision and site plans.
- The Town shall be satisfied that the landscape plan meets all Town requirements. The landscape plan shall be revised to indicate the plant species to be used for the hedge proposed along the Eastern boundary of the property.
- It is noted that the Sparkill Hamlet Center Overlay Zone requires that parking areas be landscaped and separated from the street by stone walls, opaque fencing and/ or landscaped berms or hedges, as determined by the Town Board. It is recommended that the details for such a treatment of the area where a proposed parking space abuts the sidewalk and street of Union Street be provided.
- The Town shall be satisfied that the proposed signage plan meets all Town of Orangetown requirements.
- Prior to the start of construction or grading, a soil and erosion control plan shall be developed in place for the entire site that meets the New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in storm water runoff from the site.
- A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (August 2010) and local ordinances.
- Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages and County with an adequate supply of water. A letter from the public water supplier, stamped and sealed by a NYS licensed professional engineer, shall be issued to the municipality for this project, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.
- If any public water supply improvements are required, engineering plans and specification for these improvements shall be reviewed by the Rockland County Department of Health, prior to construction. In order to complete an application

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**Continuation of Condition #10....**

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.

- 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.

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

**11.** The Rockland County Department of Highway reviewed the proposed action and provided the following comments:

- The project has determined that it should a diminimus impact upon county roads in the area.

- A Rockland County Highway Department Work Permit is required for the proposed construction within 500 feet of the County right of way, in addition to any and all permits required by the local municipality and various involved governmental agencies, and must be secured prior to the start of any excavation or construction on the site.

- The Site Plan shall indicate the name of the party responsible for the future maintenance and proper function of the onsite drainage system.

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

**13.** The New York State Department of Transportation reviewed the plan and found that the proposed subdivision not a section of Route 340 owned by the state and feel the project will have no significant impact on the state transportation system.

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**Town of Orangetown Planning Board Decision  
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**14.** The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans prior to signing the final plans.

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

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

- a. No construction equipment shall be parked under the tree canopy.
  - b. There will be no excavation or stockpiling of earth underneath the trees.
  - c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
  - d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
    - One (1) foot radius from trunk per inch DBH
    - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
      - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
      - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.
- The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

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**Town of Orangetown Planning Board Decision**

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**17.** All landscaping shown on the site plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

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

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

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

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

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

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

The foregoing Resolution was made and moved by Jeffrey Golda and seconded by John Foody and carried as follows: Bruce Bond, absent; Andy Stewart, aye; William Young, absent; 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 14, 2011**

**Town of Orangetown Planning Board**