

**TOWN OF ORANGETOWN PLANNING BOARD
MEETING OF SEPTEMBER 24, 2008**

MEMBERS PRESENT: Robert Dell, Chairperson; Bruce Bond, Vice-Chairperson; Kevin Garvey; Anthony Iurica; Jeffrey Golda and John Foody

MEMBERS ABSENT: William Young

ALSO PRESENT: John Giardiello, Director, Department of Building, Zoning , Planning Administration and Enforcement; Robert Magrino, Deputy Town Attorney; Ann Marie Ambrose, Stenographer and Bert von Wurmb, Building Inspector.

Robert Dell, Chairperson called the meeting to order at 7:35 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:

Continued from the July 9, 2008 Meeting: Wyeth Site Plan - North Retention Basin Prepreliminary/Preliminary/Final Site Plan and SEQRA Review 68.08/1/1; LI zoning district	Final Approval Subject to Conditions/ Neg. Dec.	PB #08-40
Chestnut Petroleum Distributors Site Plan Site Plan Consultation 74.10/1/68; CS zoning district	Consultation	PB #08-51
Valentine - Cook Site Plan Final Site Plan Amendment 74.07/1/13; LIO zoning district	Final Approval Subject to Conditions	PB #08-52
Dr. Fisher Site Plan Final Site Plan Review 74.18/3/35; CS zoning district	Final Approval Subject to Conditions	PB #08-53
The Promenade Assisted Living Facility Minor Subdivision Plan Prepreliminary/Preliminary/Final Subdivision Plan and SEQRA Review 73.05/1/53.1; PAC zoning district	Continued to Oct. 6th Meeting	PB #08-54
The Promenade Assisted Living Facility Site Plan Prepreliminary/Preliminary Site Plan and SEQRA Review 73.05/1/53.1; PAC zoning district	Continued to Oct. 6th Meeting	PB #08-55

TOWN OF ORANGETOWN PLANNING BOARD DECISION

September 24, 2008

**Wyeth Site Plan – North Retention Basin; Final Site Plan Approval
Subject to Conditions; Neg. Dec.**

TO: Andrew Karcz; Wyeth, Facilities Manager; 401 North Middletown Road;
Pearl River, New York 10965
FROM: Orangetown Planning Board

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

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, July 23 and September 10 and 24, 2008** at which time the Board made the following determinations:

July 23, 2008

Andrew Karcz, John Banyo and Joe Cuilla appeared and testified.

The Board received the following communications:

1. Project Review Report dated July 2 & 16, 2008.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 9, 2008.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated July 3, 2008.
4. A letter from Brooker Engineering, signed by Brian Brooker, P.E., dated June 24, 2008.
5. Letters from Rockland County Department of Planning signed by Eileen Miller, Senior Planner, dated May 20, 2008 and Salvatore Corallo, Commissioner of Planning, dated June 23, 2008.
6. A copy of a letter to Michel Kontaxis, Wyeth Pharmaceuticals, from the Rockland County Drainage Agency, signed by Edward Devine, Executive Director dated June 24, 2008.
7. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 10, 2008 and Brian Hunderfund, Senior Environmental Health Specialist, undated

**PB #08-40 – TOWN OF ORANGETOWN PLANNING BOARD DECISION
September 24, 2008**

**Wyeth Site Plan – North Retention Basin; Final Site Plan Approval
Subject to Conditions; Neg. Dec.
Page 2 of 11**

8. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated June 12, 2008.
9. A letter from the Town of Clarkstown, Department of Planning, signed by Shirley Thormann, Chairwoman, undated, received in the Town of Orangetown Building Department on June 2, 2008.
10. A copy of a memorandum from Jose Simoes, Town Planner to the Clarkstown Planning Board, dated July 9, 2008.
11. Plans prepared by Kling Stubbins, Architecture, Engineering, Interiors, Planning, dated June 5, 2008, signed and sealed by John Kostyo, P.E.,
 - Drawing No. and Rev: D- C-001: Cover Sheet
 - Drawing No. and Rev: D- C-111: North Basin Site Layout Plan
 - Drawing No. and Rev: D- C-141: North Basin Soil Erosion Control Plan
 - Drawing No. and Rev: D- C-151: North Basin Site Landscape Plan
 - Drawing No. and Rev: D- C-830: North Basin Site Utility Details -1
 - Drawing No. and Rev: D- C-831: North Basin Site Utility Details -2
 - Drawing No. and Rev: D- C-841: North Basin Soil Erosion Control Details
 - Drawing No. and Rev: D- C-851: North Basin Planting Details

The Board reviewed the plans.

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

September 10, 2008

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

The Board received the following communications:

1. Project Review Report dated September 3, 2008.
2. Interdepartmental memorandums 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. 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 Brooker Engineering, signed by Brian Brooker, P.E., dated September 9, 2008.
5. A letter from the Town of Clarkstown, Department of Planning, signed by Rudolph Yacyshyn, Acting Chairman, dated July 29, 2008.
6. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated July 14, 2008.

**PB #08-40 – TOWN OF ORANGETOWN PLANNING BOARD DECISION
September 24, 2008**

**Wyeth Site Plan – North Retention Basin; Final Site Plan Approval
Subject to Conditions; Neg. Dec.
Page 3 of 11**

The Board reviewed the plans.

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

September 24, 2008

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

The Board received the following communications:

1. Project Review Report dated September 17, 2008.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated September 24, 2008.
3. A letter from Brooker Engineering, signed by Brian Brooker, P.E., dated September 23, 2008.

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

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.

**PB #08-40 – TOWN OF ORANGETOWN PLANNING BOARD DECISION
September 24, 2008**

**Wyeth Site Plan – North Retention Basin; Final Site Plan Approval
Subject to Conditions; Neg. Dec.
Page 4 of 11**

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, aye; Robert Dell, aye; John Foody, aye; William Young, absent; Jeffrey Golda, aye 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 FINAL SITE PLAN APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant shall submit all the New York State Department of Environmental Conservation approvals for the North Basin.
2. This project shall receive all Final Approvals from the Planning Board and other agencies prior to having the Clerk sign the Final Plans for Building 215A.
3. A maintenance agreement (in accordance with NYSDEC Phase II regulations) incorporating all of the Wyeth Campus drainage facilities shall be submitted to DEME and the Town Attorney's Office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc.
4. An updated copy of the SWPPP of this proposed work shall be submitted to the Planning Board and DEME.
5. The Campus Wide Drainage study shall be revised to include the specifics of both this proposed detention basin and the proposed southern basin (including the specific drainage calculations and design for these two basins.) Although the previous campus wide drainage study envisioned these two basins, they had not yet been engineered. It shall be submitted to DEME and the Planning Board for review and approval.
6. The revised drainage calculations shall include a maintenance and operational schedule for the proposed valved outlet structure, as well as an explanation as to what will happen to the flow from the basin if to were to be overtopped (i.e. water flowing out over the emergency spillway.)
7. The top of the emergency spillway elevation is missing from the detail on drawing C-831.
8. It appears that the top of the emergency spillway is the same elevation as the top of the outlet control structure, the applicant's engineer shall verify this.
9. The soil erosion and sediment control plans and details are under review by DEME. However, erosion control measures shall be depicted around all proposed work (i.e. the "tie ins" to the existing stream in Clarkstown.)
10. Copies of all correspondence (including any and all approvals) with the New York State Department of Environmental Conservation, U.S. Army Corps of Engineers, the Rockland County Drainage Agency, etc. in connection with the proposed detention basins, shall be supplied to the Planning Board and DEME, prior to signing the map.

**PB #08-40 – TOWN OF ORANGETOWN PLANNING BOARD DECISION
September 24, 2008**

**Wyeth Site Plan – North Retention Basin; Final Site Plan Approval
Subject to Conditions; Neg. Dec.
Page 5 of 11**

11. The Planning Board's Drainage Consultant, Brooker Engineering has reviewed the Site Plan for the North Detention Basin, which was included in the August 15, 2007 Campus Wide Drainage Study. This study received conditional final approval with respect to drainage at the September 26, 2007 Planning Board Meeting, subject to five conditions in the consultants review of September 25, 2007 report. This submission addresses Conditions 1-4 and Condition 5, which shall be addressed prior to final signature of the site plan. The construction of the North Basin is part of the overall drainage plan to reduce peak runoff rates from the Wyeth Campus to below "Greenfield" runoff rates, which are the runoff rates that existed prior to any development on the site. The proposed North Basin will receive stormwater runoff from not only the proposed Building 215A (a separate Planning Board application) but also approximately 15 acres of existing impervious area that currently leaves the site with no provisions for stormwater quality or detention. Brooker Engineering's last drainage review report, dated June 24, 2008, at which time did not recommend acceptance of the North Basin with respect to drainage. The current submission largely satisfies the conditions of the June 24, 2008 North Basin drainage review report and the conditions of the September 25, 2007 Campus Drainage Study that pertains to the North Basin. Therefore, Brooker Engineer, recommends that the Wyeth North Basin Site Plan be approved for drainage subject to the following conditions:

- (1). As per Comment 1 of the September 9, 2008 drainage review report for Building 215A Site Plan, the construction sequencing requirements for the North Basin with respect to the timing of construction of Building 215A, as determined by the Planning Board, shall be added to the North Basin Site Plan.
- (2). The Campus Drainage Study received conditional Planning Board approval on September 26, 2007. Construction of the North Basin is one of several components proposed in the study to achieve a reduction of peak runoff rates to Greenfield conditions. The applicant and Planning Board shall discuss the timeframe for the completion of the finished design and construction of the remaining items in the 2007 Campus Drainage Study. The North Basin Site Plan shall reference the overall Campus Drainage Study.
- (3). For ease of future review and inspection by the Town of Orangetown and their consultants, it is requested that the overall Campus Drainage Study be reissued with the updated design and configuration of the North Basin and the Southwest Detention Basin (approved for drainage on May 14, 2008) and other condition of approval of the Drainage Study.
- (4). As per Condition 5 of the September 26, 2007 conditional final approval of the Campus Drainage Study, a maintenance plan and schedule for the North Basin shall be approved by the Town of Orangetown.

**PB #08-40 – TOWN OF ORANGETOWN PLANNING BOARD DECISION
September 24, 2008**

**Wyeth Site Plan – North Retention Basin; Final Site Plan Approval
Subject to Conditions; Neg. Dec.
Page 6 of 11**

Continuation of Condition #11....

(5). As per Condition 13 of the July 8, 2008 drainage review for the Building 215A Site Plan, details for stabilization of the existing channel that receives runoff from the north parking lot and is diverted to the North Basin shall be added to the North Basin Site Plan. The proposed plan shall include stabilization of this channel and demonstrate that no future erosion will occur. A detail for the diversion structure shall be added to the plan and address velocity, clogging, and overflow concerns.

(6). As per Condition 9 of the June 24, 2008 drainage review for the North Basin, calculations for the outlet structure shall be provided to demonstrate that the structure will resist flotation.

(7). A Mosquito Suppression Plan for the North Basin shall be prepared by the applicant and approved by the Rockland County Department of Health.

(8). Size of the riprap stone for the emergency overflow spillway shall be provided. The calculations shall be based on a peak flow assuming the low flow orifice outlets structure are clogged.

(9). The drainage calculations for the North Basin shall be expanded to include the 1-and 2-year design storms.

(10). The trench drain and MH-5N shall be relocated so the rim elevations of these structures are above the 100-year flood elevation within the North Basin, in order to prevent surcharging of these structures. A minimum pipe slope of 0.5% shall be used in this location.

(11). Calculations shall be provided that demonstrate the outfall pipes from the outlet structure have capacity to convey the North Basin 100-year routed discharge of 59.57 cfs.

(12). Soil permissivity rate for the proposed clay core of the North Basin berm shall be added to the Basin Embankment Detail. A note shall be added to the plans requiring as-built certification of the clay core.

(13). The overflow path from the emergency spillway is noted to be Pasteur Road. More detail and/or drainage structure shall be provide at the northwest end of Pasteur Road to ensure overflows continue in a northwest direction toward Reed Pond and do not inundate Building 170A.

(14). Appendix B of the Proposed North Campus Stormwater Management Drainage Basin contains the superseded configuration of the North Basin. This shall be noted and clarified.

(15). The invert elevation of the outlet structure 30-inch pipe varies between elevation 41.0 and 42.0 on the plan, detail and drainage report and shall be corrected.

**PB #08-40 – TOWN OF ORANGETOWN PLANNING BOARD DECISION
September 24, 2008**

**Wyeth Site Plan – North Retention Basin; Final Site Plan Approval
Subject to Conditions; Neg. Dec.
Page 7 of 11**

Continuation of Condition #11....

(16). The control structure rim elevation on Drawing “Profile View -1” shall be consistent with the rim elevation on the layout plan and details. The permanent water elevation of 48.0 shall be noted on “Profile view-2”. Both profiles shall label the basin side slopes and tip of berm widths.

(17). The Curve Number calculation worksheet in Appendix A shall include the 0.62 impervious area of the proposed wet pond identified in the map of Impervious Areas included in the report.

(18). The upstream and downstream inverts and location of the pipe under the railroad crossing (the pipe noted as being desilted, located north of Building 170A) shall be added to the plans and Drainage Study.

12. The Town of Clarkstown is no longer considering pursuing Lead Agency under SEQRA as the proposed basin does not straddle the Town border and is entirely within Orangetown. The Town of Clarkstown requests a copy of the drainage plan be sent to the Town Department of Environmental Control for the file.

13. New York State Department of Transportation has no comments for the proposed project at this time.

14. 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.”

15. 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.

16. The Short Environmental Assessment Form appears to be in order.

17. As indicated in related correspondence from the Rockland County Drainage Agency (RCDA), a permit will be required and application materials must be submitted.

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

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

**PB #08-40 – TOWN OF ORANGETOWN PLANNING BOARD DECISION
September 24, 2008**

**Wyeth Site Plan – North Retention Basin; Final Site Plan Approval
Subject to Conditions; Neg. Dec.
Page 8 of 11**

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

21. The Rockland County Highway Department has reviewed the information provided and found the proposed action would have no foreseeable adverse effect upon county roads in the area.

22. Based on the information provided and maps available to Rockland County Drainage Agency (RCDA), the site (for both Southwest and North Basins) Has been determined to be within jurisdiction of the RCDA. Accordingly, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is required. The applicant shall submit an application to RCDA immediately.

23. 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.

24. 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.

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

- Rockland County Department of Planning
- Rockland County Department of Highways
- Rockland County Drainage Agency
- Rockland County Sewer District #1
- Rockland County Department of Health
- New York State Department of Transportation
- Town of Orangetown Zoning Board of Appeals

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

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

28. 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.

Continuation of Condition #28....

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.

29. All landscaping shown on the Site Plan 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.

30. 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.

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

**PB #08-40 – TOWN OF ORANGETOWN PLANNING BOARD DECISION
September 24, 2008**

**Wyeth Site Plan – North Retention Basin; Final Site Plan Approval
Subject to Conditions; Neg. Dec.
Page 10 of 11**

32. 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).

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

34. 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

35. 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, aye; Robert Dell, aye; John Foody, aye; Jeffrey Golda, aye; William Young, absent 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 24, 2008

Town of Orangetown Planning Board

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

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

**September 24, 2008
Page 11 of 11**

PB #08-40: Wyeth Site Plan – North Retention Basin Plans

Andrew Karcz; Wyeth, Facilities Manager; 401 North Middletown Road;
Pearl River, New York 10965

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

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

NAME OF ACTION: Wyeth Site Plan – North Retention Basin Plans

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

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

REASONS SUPPORTING THIS DETERMINATION:

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

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

**TOWN OF ORANGETOWN PLANNING BOARD – CONSULTATION
September 24, 2008**

Chestnut Petroleum Distributors Site Plan

TO: Mickey Jamal; 536 Main Street, New Paltz, New York 12561

FROM: Orangetown Planning Board

RE: Application of Mickey Jamal, applicant, for Stella Baum, owner for Site Plan 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 75 Dutch Hill Road, Orangeburg, New York; east side of Dutch Hill Road, 200 feet south of the intersection of Orangeburg Road and Dutch Hill Road, Orangeburg, New York. Tax Map Numbers: 74.10/1/68; CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 24, 2008**, at which time the Board made the following determinations:

Ciro Interrante appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Report dated September 17, 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 24, 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 17, 2008.
4. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael B. Bettmann, Chief, dated September 17, 2008.
5. Plans prepared by Ciro Interrante, R.A., dated March 27, 2008, revised April 14, 2008.
6. A Project Narrative, prepared by Ciro Interrante, Architect.

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

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."

**TOWN OF ORANGETOWN PLANNING BOARD – CONSULTATION
September 24, 2008**

Chestnut Petroleum Distributors Site Plan

- 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 width of the drive thru lane shall be shown on the Site Plan.
- 4.** The aisle width between the North West corner of the proposed building and the parking space shall be labeled on the Site Plan.
- 5.** The width of the parking spaces shall be labeled on the Site Plan.
- 6.** The 8 gas fill spots next to the pumps cannot count as parking spaces and therefore, the actual parking space count is 19 spaces.
- 7.** All dimensions shall be labeled on the Site Plan.
- 8.** The Town of Orangetown Architecture and Community Appearance Board of Review shall review and approval the proposed project.
- 9.** A Short Environmental Assessment needs to be submitted.
- 10.** Drainage calculations, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval.
- 11.** Soil erosion and sediment control plans and details shall be submitted to DEME for review and approval.
- 12.** The existing driveway entrances along Dutch Hill Road are too wide. The maximum width is 20 feet wide at the road. The existing driveway entrances shall be reduced to 20 feet wide.
- 13.** A note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.
- 14.** The Town of Orangetown Bureau of Fire Prevention (Bureau) had the following comments:
 - (1) Apply for and maintain a Certificate of Compliance Fire Safety and Hazardous Materials Permits from the Bureau.
 - (2) Install an NFPA 72 Compliant addressable Fire Alarm system with a direct connection to Rockland County 44-Control using 2 dedicated copper phone lines transmitting in contact ID. Prior to any installation work, design drawings in compliance with Chapter 9 of the NYS Fire Code must be provided to the Bureau for approval.
 - (3) Install and maintain emergency/exit lighting as per Chapter 10 of the NYS Fire Code.
 - (4) Provide emergency disconnect switch for fuel pumps, within 100 feet, and not less than 20 feet from pumps. Provide a sign indicating locatin of disconnect in a location to be determined.

**TOWN OF ORANGETOWN PLANNING BOARD – CONSULTATION
September 24, 2008**

Chestnut Petroleum Distributors Site Plan

Continuation of Condition #14.....

- (5) Fuel pumps must be within clear view of the attendant in the store.
- (6) A communication system shall be installed between the attendant and the fuel pumps.
- (7) Install and maintain an automatic fire suppression system suitable for the product being dispensed. System is to be connected to the fire alarm system to:
 - (1) activate the alarm in case of discharge, and
 - (2) shut down the pumps in the event of a discharge
- (8) Provide a leak detection system.
- (9) Provide Bollards installed as per the NYS Fire Code to protect the dispensing area, utilities, and to prevent vehicles from driving into the store front.
- (10) Install and maintain portable fire extinguishers according to NFPA 10.
- (11) Install a Key Box on the building exterior for fire department access. An order form will be provided by the Bureau and the Key Box shall be purchased by the owner. The location will be determined.
- (12) All paved areas of the property other than approved/marked parking spaces are to be Fire Lanes. Fire Lanes are to be provided with signs and striping by owner.
- (13) Driveway around rear of building must be a minimum of twelve feet wide.
- (14) All overhangs and canopies must be a minimum of thirteen feet six inches high.

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

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

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.

**TOWN OF ORANGETOWN PLANNING BOARD – CONSULTATION
September 24, 2008**

Chestnut Petroleum Distributors Site Plan

Continuation of Condition #17.....

d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

One (1) foot radius from trunk per inch DBH

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

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

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

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

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

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

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

**TOWN OF ORANGETOWN PLANNING BOARD – CONSULTATION
September 24, 2008**

Chestnut Petroleum Distributors Site Plan

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

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

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

24. The Planning Board shall retain jurisdiction over lighting, landscaping, 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 24, 2008

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

PB #08-52-TOWN OF ORANGETOWN PLANNING BOARD DECISION
September 24, 2008

Valentine – Cook Site Plan-Final Site Plan Approval Subject to Conditions
Page 1 of 10

TO: Zaki Albanna, Dominick Pilla Associates, 23 Depew Avenue
Nyack, NY 10960

FROM: Orangetown Planning Board

RE: The application of Dominick Pilla Associates, applicant, for Paul W. Valentine and Hugo Cook, owners for Final Site Plan Review to construct a new two story block building and associates site improvements for a site to be known as “**Valentine – Cook Plans**”, 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 515 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 13 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **September 24, 2008**, at which time the Board made the following determinations:

Edward Cook, Paul Valentine and Dominick Pilla appeared and testified.

The Board received the following communications:

1. A Project Review Memo dated September 17, 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 24, 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 17, 2008.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated September 2, 2008.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated September 22, 2008.
6. A letter from the Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated September 23, 2008.
7. A copy of a Notice of Receipt of Permit Application from the Rockland County Drainage Agency dated August 8, 2008.
8. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated August 26, 2008.
9. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated September 8, 2008.
10. A letter from Donald Brenner, P.E, LL.B, attorney for an abutting property owner, dated August 25, 2008.

Valentine – Cook Site Plan-Final Site Plan Approval Subject to Conditions

11. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated September 22, 2008.
12. A letter from Zaki Albanna of Dominick R. Pilla Associates, P.C., dated August 6, 2008.
13. Copies of the following Board decisions: ACABOR #08-39, Approved Subject to Conditions, dated September 23, 2008, ZBA #08-24, Lot Area, Lot Width, Building Height as Modified and From Section 13.01 B(2) and B(10) Variances Approved with Conditions, dated May 7, 2008, ACABOR and Preliminary Site Plan Approval Subject to Conditions/Neg. Dec. dated January 9, 2008.
14. Drainage Calculations prepared by Dominick R. Pilla Associates, P.C., dated June 12, 2008.
15. Site Plans prepared by Dominick Pilla Associates, dated May 18, 2007, last revised July 31, 2008:
 - SP-1: Proposed Building Site Development Plan
 - SP-2: Details
 - SP-3: Notes & Details
 - SP-4: Planting & Lighting
 - SP-5: Notes & Details
 - SP-6: Erosion Control Plan
16. Submitted at the meeting by the applicant, a letter from the United States Department of Army Corp of Engineers, dated September 22, 2008.

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

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

Valentine – Cook Site Plan-Final Site Plan Approval Subject to 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. Under the “Parking Area Calculations” on the Site Plan, the required parking spaces for Warehouses and Office Space show a value of “6,375” under “Required Parking Spaces”, when calculating the number of spaces. This value needs to be changed to “6,162” for Warehouse and “4,900” for Office Space. The total number of required parking spaces appears to be correct according to the Town of Orangetown Zoning Board of Appeals.
4. The revised drainage calculations are currently under review by DEME.
5. The soil erosion and sediment control plans and details are under review by DEME. However, the erosion control plans and details shall be modified to reflect a “stone-filter” system around the proposed field inlets. A detail for same shall be provided (i.e. detail given is for batch basin with curb irons, not flat grates as proposed.)
6. The Drainage Consultant to the Planning Board recommends acceptance for drainage subject to the following conditions:
 - The Catch Basin Detail must include a plan view of the entire catch basin, not just the grate, and must include all dimensions.
 - The site is adjacent to the Sparkill Creek and will require a permit from the Rockland County Drainage Agency for any development within their jurisdiction.
 - The Rockland County Department of Health shall be contacted to determine if a mosquito breeding avoidance plan is needed, and the Applicant shall obtain their approval of such plan if required.
7. The Rockland County Department of Planning had the following conditions request that the applicant comply with the Rockland County Drainage Agency letter of November 26, 2007, a permit from this agency is required and a revised permit application must be submitted.

Valentine – Cook Site Plan-Final Site Plan Approval Subject to Conditions

- 8.** There shall be no net increase in stormwater runoff from the site.
- 9.** A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 10.** Plans shall be provided that demonstrate compliance with the Town of Orangetown's requirements for lighting, signage and landscaping. The lighting plan shall provide fields of illumination and demonstrate that no light will spill into the state road right of way.
- 11.** Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the New York State Guidelines for Urban Erosion and Sediment Control.
- 12.** A grading plan shall be provided that demonstrates that there will be adequate protection from stormwater runoff from the site, both in terms of quantity and quality, for the wetlands on site and for the Sparkill Creek.
- 13.** A review shall be completed by the U.S. Army Corps of Engineers jointly with the New York State Department of Environmental Conservation in relation to the wetlands on site and all required permits obtained. Clear delineation of the wetlands must be provided on the plan.
- 14.** The Town shall be satisfied that the proposed site plan is in compliance with the intent and requirements of the Route 303 Overlay Zone, as appropriate.
- 15.** All signs to serve the development shall be shown on the site plan and conform to the Town sign regulations.
- 16.** 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.
- 17.** The fire department connections shall be designated on the Site Plan and kept clear for easy access by emergency response vehicles.
- 18.** Water scarce is a 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.
- 19.** 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

Valentine – Cook Site Plan-Final Site Plan Approval Subject to Conditions

Continuation of Condition #19.....

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.

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

21. The last row in the Bulk Table shall be revised to refer to 45 parking spaces rather than 43.

22. The notes under the Bulk Table shall be revised to refer to the variances recently granted to permit the proposed development plan.

23. The New York State Department of Transportation (NYSDOT) reviewed the site plans and do not have any comments. Once the plans receive final Planning Board approval, the applicant should contact the NYSDOT to apply for a permit.

24. The Rockland County Department of Highways reviewed the plans and found the proposed design acceptable as submitted and is now prepared to accept an application for a Highway Department Work Permit.

25. The Rockland County Drainage Agency (RCDA) has received the application for a Permit application and will advise in writing regarding RCDA findings.

26. Rockland County Department of Health (RCDOH) reviewed the plan and found that application is to be made to RCDOH for review of the stormwater management system for compliance with the County Mosquito Code. The applicant's engineer shall contact Brian Hunderfund at RCDOH.

27. The Rockland County Sewer District No.1 (District) has the following comments:

(1) The sewer service connection for this project will connect to an existing sewer that is tributary to the District's Lower Main Interceptor sewer on Route 303. Since this project is located outside of Rockland County Sewer District No. 1 boundaries, the owner must request to connect to District's sewers. A permit application for that connection must be submitted to the Executive Director, which must be supplemented by any plans, specifications,

Valentine – Cook Site Plan-Final Site Plan Approval Subject to Conditions

Continuation of Condition #27.....

insurance indemnification, or other information considered pertinent in the judgment of the Executive Director. The application must be accompanied by:

- a. Resolution from the municipality in which this project is located, which approves the hookup of the sewer from this project to the Rockland County Sewer District No. 1 sewer system.
- b. An out-of-district connection fee of two thousand five hundred dollars (\$2,500.00) per connected unit, or as established by resolution of the Board of Sewer Commissioners, which must be paid within thirty (30) days of the Board's approval of the connection.
- c. The annual sewer use fee for operation and maintenance, which must be paid within ten (10) days of sewer service becoming available and pro-rated as of that date.
- d. The area benefit fee, which commences on the date of the Board of Sewer Commissioners' approval of the project. [Area benefit is calculated by an annual tax rate per one hundred dollars (\$100.00) of assessed value. This fee must be paid before release of approval.]
- e. An executed copy of a covenant agreeing to abide by the rules, laws and regulations of the District and its Law, as it may be amended, including the payment of annual sewer use fees and annual area benefit fees. This covenant must be:
 - i. In recordable form, including all prior mortgages or other encumbrances,
 - ii. Accompanied by requisite fees for recording as set forth by the County Clerk,
 - iii. Accompanied by an up to date Title Report and paid policy of Title Insurance,
 - iv. Acknowledged by owner of the land, and
 - v. Accompanied by a complete site survey and property description.

(2) As this is a non-residential project, Rockland County Sewer District No. 1's "Commercial/Non-Residential Wastewater Questionnaire" must be submitted to and approved by Rockland County Sewer District No. 1, before any sewage is discharged into the District's sewage system. The developer, owner, or principal must sign the wastewater questionnaire.

**PB #08-52-TOWN OF ORANGETOWN PLANNING BOARD DECISION
September 24, 2008**

Valentine – Cook Site Plan-Final Site Plan Approval Subject to Conditions

Continuation of Condition #27.....

(3) The Site Plan on Drawing NO. SP-1 (Site Development Plan) appears to show that the proposed sanitary sewer from this project will connect to an existing manhole that belongs to the District; therefore, a hookup permit must be obtained from the District. This will require submittal of all necessary insurance, bonds, indemnification, and permit fees, and approval of the detail for connecting to the existing sewer.

a. The abovementioned Site Plan shows a proposed sewer connection to an existing manhole. However, the drawings do not include a detail for such a connection. The engineer shall include this detail on the drawings.

(4) Details for sanitary sewer construction must comply with the District's construction standards.

a. The proposed sewer service construction connection is tributary to District sewers, and is thereby subject to District standards. Where District requirements are stricter than Orangetown requirements, the former shall apply.

b. Per the "Precast Standard Manhole Section & House Connection" detail on Drawing No. SP-2 (Details), the District recommends and approves the use of a check valve on the service connection to the Lower Main Interceptor sewer.

(5) Rockland County Sewer District No. 1 requires sanitary sewer construction to conform to District standards. This includes but is not limited to relative air, vacuum and deflection testing of mainline sewer and manhole construction. The District must receive and approve certification of test results from a licensed professional engineer before approving the sewers on this project.

(6) In order to reduce infiltration into the system, the District requires that the precast and doghouse sanitary manhole construction in accordance with the District's standards. The District's standard details require the joints to have butyl rubber seals with *mortar in and out, and then to be coated with "Infi-shield" EPDM rubber seal wrap or approved equal.*

a. The "Precast Standard Manhole Section & House Conn. Detail on Drawing No. SP-2 includes only a text reference to Infi-shield®; the detail has no graphical depiction of the Infi-shield. The lack of this graphical depiction has resulted in confusion between Infi-shield and the butyl rubber joint seal. The design engineer shall clarify the detail to show the Infi-shield as a thick wrap around the manhole joints.

(7) As-built drawings of the proposed connection to the District's mainline sanitary sewer must be submitted to the District upon completion of the project.

(8) Submission to the District of as-built drawings of the sanitary sewer connection be made a condition of granting a Certificate of Occupancy.

(9) Details for the sanitary sewer connection are subject to approval by the Town of Orangetown.

**PB #08-52-TOWN OF ORANGETOWN PLANNING BOARD DECISION
September 24, 2008**

Valentine – Cook Site Plan-Final Site Plan Approval Subject to Conditions

28. The Town of Orangetown Fire Prevention Bureau reviewed the plans and offered the following conditions:

Fire Lanes and No Parking Areas shall be shown on the Final Approved Site Plan.

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

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

31. 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.

**PB #08-52-TOWN OF ORANGETOWN PLANNING BOARD DECISION
September 24, 2008**

Valentine – Cook Site Plan-Final Site Plan Approval Subject to Conditions

32. 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.

33. 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.

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

35. 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).

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

37. 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

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

39. The applicant shall comply with all pertinent and applicable conditions of previous Board Decisions: ACABOR #08-39, Approved Subject to Conditions, dated September 23, 2008, ZBA #08-24, Lot Area, Lot Width, Building Height as Modified and From Section 13.01 B(2) and B(10) Variances Approved with Conditions, dated May 7, 2008, ACABOR and Preliminary Site Plan Approval Subject to Conditions/Neg. Dec. dated January 9, 2008.

**PB #08-52-TOWN OF ORANGETOWN PLANNING BOARD DECISION
September 24, 2008**

Valentine – Cook Site Plan-Final Site Plan Approval Subject to Conditions

The Board made a motion to override Condition #18 of the September 22, 2008 letter from Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, for the following reasons:

“#18. It would be helpful if a narrative were to be provided explaining the current conditions on the site, the proposed changes and the intended use of the site.”

The Board held that the applicant presented sufficient information at the Public Hearing and the submission of a narrative was not required.

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

The foregoing Resolution was made and moved by Kevin Garvey seconded by Anthony Iurica and carried as follows: Robert Dell, aye; Kevin Garvey, aye; Bruce Bond, aye; Anthony Iurica, aye; William Young, absent; John Foody, 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 24, 2008

PB #08-53

TOWN OF ORANGETOWN PLANNING BOARD DECISION

September 24, 2008

**Dr. Fisher Site Plan; Final Site Plan Approval Subject to Conditions
Page 1 of 7**

TO: Donald Brenner; 4 Independence Avenue, Tappan, NY 10983
FROM: Orangetown Planning Board

RE: The application of the Dr. Edward S. Fisher, applicant, for FADB Realty, Inc., owner for Final Site Plan Approval at a site known as "**Dr. Fisher Site Plan**", to add a one story building addition to an existing two story office building and to reconfigure the existing paved parking and driveway areas, 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 4 – 6 Independence Avenue, Tappan, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.18, Block 3, Lot 35 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 24, 2008**, at which time the Board made the following determinations:

Donald Brenner and Jay Greenwell appeared and testified.

The Board received the following communications:

1. A Project Review Memo dated September 17, 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 24, 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 17, 2008.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated September 4, 2008.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated September 22, 2008.
6. A letter from the Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated September 23, 2008.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated August 26, 2008.
8. Copies of the following Board decisions: ACABOR #08-38, Approved Subject to Conditions, dated September 9, 2008, ZBA #08-74, Front Yard, Rear Yard and Parking Space Variances Approved, dated July 16, 2008 and PB #08-39, Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec., dated July 9, 2008.

PB #08-53

TOWN OF ORANGETOWN PLANNING BOARD DECISION

September 24, 2008

Dr. Fisher Site Plan; Final Site Plan Approval Subject to Conditions

Page 2 of 7

9. Site Plan prepared by Jay A. Greenwell, PLS, dated May 2, 2008, last revised August 15, 2008.

10. Planting Plan prepared by Robert G. Torgersen ASLA, dated September 18, 2008.

11. Architectural Plans prepared by Vincent M. Acocella, R.A., dated May 21, 2008:

Drawing 1 of 2: Plans

Drawing 2 of 2: Elevations

A motion was made to close the Public Hearing portion of the meeting by Kevin Garvey and seconded by John Foody and carried as follows: Robert Dell, aye; Bruce Bond, aye; Anthony Iurica, aye; John Foody, aye; William Young, absent; 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 applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ACABOR #08-38, Approved Subject to Conditions, dated September 9, 2008, ZBA #08-74, Front Yard, Rear Yard and Parking Space Variances Approved, dated July 16, 2008 and PB #08-39, Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec., 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."

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.

PB #08-53

TOWN OF ORANGETOWN PLANNING BOARD DECISION

September 24, 2008

Dr. Fisher Site Plan; Final Site Plan Approval Subject to Conditions

Page 3 of 7

4. 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.

5. The drawing indicates a 6'5" x 6' 6" drywell, however, the drainage calculations state that a 6' x 4' drywell shall be utilized, this shall be corrected.

6. The existing sanitary building connection location shall be shown on the Site Plan.

7. The soil erosion and sediment control plans and details are under review by DEME. However, erosion control measures shall be depicted along the south astern portion of the existing driveway entrance, along independence Avenue that is to be removed.

8. The proposed drywell shall be relocated to be as far away from the existing 30 inch RCP drainage line as possible.

9. The Applicant proposes to add a one story building addition to an existing two story office building, and to reconfigure the existing paved parking and driveway areas. The 0.31-acre site is located on the northwest corner of the intersection of Western Highway with Independence Avenue. The proposed development will increase the impervious area of the site by 1,336SF. The Applicant proposes to mitigate the increased runoff due to this increase in impervious area by providing a 6-ft drywell in a stone surround. The Planning Board's Drainage Consultant recommends acceptance for drainage subject to the following conditions:

- The calculations for sizing the drywell and the details of the drywell shown on the plans do not agree and must be revised to be consistent. The calculations are based on a 6-ft diameter by 6-ft high drywell with an effective depth of 4-ft and 2-ft thick stone surround. The plans show a 6.5 foot diameter by 6-ft high drywell in a 9-ft by 12-ft stone surround.
- The Drainage Consultant believes that the CN number (79) for existing conditions in the calculations is too high and must be reduced to a maximum of 65 to be conservative. The drainage calculations and the drywell details must be revised to be consistent with each other and must be resubmitted.

10. A review shall be completed by the Rockland County Highway Department and all required permits obtained.

Dr. Fisher Site Plan; Final Site Plan Approval Subject to Conditions

Page 4 of 7

11. Signage, lighting and landscaping plans that meet all Town requirements shall be provided

12. 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.

13. The Town shall be satisfied that appropriate screening of the adjacent area zoned and used for residential uses is adequate. A complete visual buffer, such as with a row of Arborvitae trees, shall be installed along any such property line.

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

15. The Rockland County Department of Health (RCDOH) requests that Application be made to RCDOH for review of the Stormwater Management system for compliance with the County Mosquito Code. The applicant shall contact Brian Hunderfund at RCDOH.

16. Based upon the Rockland County Drainage Agency's (RCDA) evaluation of available mapping and the information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to Chapter 846, Rockland County Stream Control Act, is not requested based upon its review of the information provided. The review and approvals concerning drainage and stormwater management conditions in this matter appear to be within the jurisdiction of the appropriate Town of Orangetown land use board(s) and municipal departments.

17. The Rockland County Department of Highway offered the following comments:

1). All parking spaces be numbered on the Site Plan. A potential conflict exists with the parking spaces located near Western Highway. Vehicles backing out of the parking space will conflict with vehicles entering off the Western Highway. The applicant shall explore the possibility of eliminating or relocating the parking spaces that conflict with turning movements off of Western Highway, or reversing the internal traffic flow.

2). Additional warning signs shall be posted (One Way and Do Not Enter) to define the entrance and exit. Existing versus proposed striping shall be identified.

3) The applicant's engineer shall perform Sight Distance Calculations to the North and South along Western Highway and demonstrate the information on the Site Plan for Rockland County Department of Highway Department review and approval.

4) A zero net rate of runoff shall be indicated on the drawing.

5) A Rockland County Highway Department Work Permit will be required for the development of this parcel and shall be secured prior to the start of any excavation or construction on site.

Dr. Fisher Site Plan; Final Site Plan Approval Subject to Conditions

Page 5 of 7

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:

- 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.

PB #08-53

TOWN OF ORANGETOWN PLANNING BOARD DECISION

September 24, 2008

Dr. Fisher Site Plan; Final Site Plan Approval Subject to Conditions

Page 6 of 7

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

The Board made a motion to override Condition #1 of the September 22, 2008 letter from Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, for the following reasons:

"1. We previously requested the opportunity to review any variances that may be required implement the proposed site plan, as required by the New York State General Municipal Law, Section 239-m (3)(a)(v). It is our understanding that the Orangetown Zoning Board of Appeals reviewed and acted upon bulk and area variances that were requested to implement the subject subdivision plan on July 16, 2008, though no review had been requested from or provided by this Department. As required under the General Municipal Law, variances for properties such as the subject property are to be referred to this Department based upon the requirements of Section 239-m of the General Municipal Law."

PB #08-53

TOWN OF ORANGETOWN PLANNING BOARD DECISION

September 24, 2008

Dr. Fisher Site Plan; Final Site Plan Approval Subject to Conditions

Page 7 of 7

The Board held that it is not the responsibility of the Orangetown Planning Board to send the Rockland County Department of Planning applications applying to the Zoning Board of Appeals. It is an issue to resolve with the Zoning Board of Appeals. The Board also held that the Rockland County Department of Planning had ample opportunity to review the application.

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

The Board made a motion to override Condition #5 of the September 22, 2008 letter from Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, for the following reasons:

“5. The Town shall be satisfied that appropriate screening of the adjacent area zoned and used for residential uses is adequate. A complete visual buffer, such as with a row of Arborvitae trees, shall be installed along any such property line. This was a condition of preliminary site plan approval by the Orangetown Planning Board.”

The Board held that the project site was a pre-existing condition, and the site was review by ACABOR.

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

The foregoing Resolution was made and moved by Kevin Garvey and seconded by John Foody and carried as follows: Robert Dell, aye; Bruce Bond, aye; Anthony Iurica, aye; William Young, absent; John Foody, 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 24, 2008
Town of Orangetown Planning Board

