

**Meeting of September 26, 2011
TOWN OF ORANGETOWN PLANNING BOARD**

MEMBERS PRESENT: Kevin Garvey, Chairperson; Bruce Bond, Vice Chairperson; William Young; Jeffrey Golda; John Foody; Andy Stewart and Robert Dell

MEMBERS ABSENT: None

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:

Logerfo Tree Remediation Plan Prepreliminary/Preliminary/Final Tree Remediation Plan and SEQRA Review Critical Environmental Area 71.13/1/6; R-22 zoning district	Final Approval Subject to Conditions Neg. Dec.	PB #11-39
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O'Sullivan Tree Service Site Plan Consultation 65.15/1/1; LO/R-40 zoning district	Consultation	PB #11-44
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Continued from the February 24, 2010 Meeting

S. Corner Plaza Site Plan Prepreliminary/Preliminary Site Plan and SEQRA Review 74.11/2/47; CC zoning district	Preliminary Site Plan Approval Subject to Condition/ Neg. Dec.	PB #09-20
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Continued from the September 14, 2011 Meeting

Blickman Subdivision Plan Request for a Reduction Performance Bond Amount 69.19/1/25.1, 25.2 & 25.3; R-40 zoning district	Recommended to the Town Board for Reduction	PB #11-43
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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.

**Meeting of September 26, 2011
TOWN OF ORANGETOWN PLANNING BOARD**

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 9:30 p.m. The next Planning Board meeting is scheduled for **Wednesday, October 12, 2011.**

**DATED: September 26, 2011
Town of Orangetown Planning Board**

P B #11-39: Logerfo Tree Remediation Plan – Final Approval Subject to Conditions- Critical Environmental Area

Town of Orangetown Planning Board Decision
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TO: Kristin Logerfo, 979 Route 9W, Upper Grandview New York, 10960
FROM: Orangetown Planning Board

RE: Logerfo Tree Remediation Plan: The application of Peter Glicklich, applicant, Kristin Larkin Glicklich, owner, (Peter Glicklich, Attorney for the owner), for Prepreliminary/ Preliminary/ Final Tree Remediation Plan Review, located in the Critical Environmental Area, at a site known as “Logerfo Tree Remediation 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 979 Route 9W, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.13, Block 1, Lot 6 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held, **Monday, September 26, 2011** at which time the Board made the following determinations:

Kristin Logerfo and Peter Glicklich appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated September 21, 2011.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated September 26, 2011.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 26, 2011.
4. A letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, Commissioner of Planning, dated September 22, 2011.
5. A letter from Rockland County Department of Highways, signed by Joseph Arena, dated August 3, 2011.
6. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated July 28 & 29, 2011.
7. A letter from the Village of Grand View –on-Hudson, signed by Donald Vernon, Chairperson, Village of Grand View – on – Hudson Planning Board, dated July 27, 2011.

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8. Letters from the New York State Department of Transportation, signed by Mary Jo Russo, Rockland County Permit Engineer, dated September 7, 2011.
9. A Tree Location Survey prepared by William Youngblood Land Surveying, dated July 18, 2011.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairperson, dated September 7, 2011.
11. A copy of an e-mail from Peter Glicklich, applicant, to Bill Youngblood, dated July 20, 2011.

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

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

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applicant, the applicant's professional representatives, namely William Youngblood Land Surveying, 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, 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 Tree Remediation Plan by prepared by William Youngblood Land Surveying, 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; -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 John Foody and seconded by Jeffrey Golda and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Andy Stewart, aye; Robert Dell, aye; John Foody, aye; William Young, aye; and Jeffrey Golda, aye, the Board made a Negative Declaration pursuant to SEQRA.

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

1. The following note shall be placed on the Site Plan: “At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting.”
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. On April 18, 2011, Ed McPherson Town of Orangetown Code Enforcement Officer saw 6 to 8 trees that had been limbed, topped cut down. There were more trees on the Grand view on Hudson side of the railroad line that were cut down. The Board determined that new trees shall be planted as restitution for the original trees removed in Orangetown. The applicant shall indicate on the plan where the proposed trees shall be planted. In the area located between the pool and the garage studio, the applicant shall plant 5 to 8 bushes. The variety of plants shall be mixed and each plant shall be a minimum height of four feet.
4. The Short Environmental Assessment Form appears to be in order.
5. The Rockland County Department of Highway reviewed the plans and information provided and found the proposed action shall have a diminimus impact upon county roads in the area.
6. 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.
7. Based on the information provided there are no Rockland County Health Department approvals needed for this application.

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8. At the present time, the applicant is also in discussions regarding a tree remediation plan for trees that were removed from Village of Grand View-on-Hudson park property.

9. The New York State Department of Transportation reviewed the plans and found that the location of the pruned trees should not have a major impact on the state highway right of way, Route 9W. If any trees are to be placed adjacent to the road in the state right of way, the landscape plan must be submitted for approval.

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

- New York State Department of Transportation
- 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

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

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

Dated: September 26, 2011
Town of Orangetown Planning Board
attachment

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

**P B #11-39: Logerfo Tree Remediation Plan – Final Approval Subject to
Conditions- Critical Environmental Area**

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

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

NAME OF ACTION: Logerfo Tree Remediation Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

**DESCRIPTION OF ACTION: Tree Remediation Plan Review– Critical
Environmental Area**

LOCATION: The site is located at 976 Route 9W, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.13, Block 1, Lot 6 in the R-22 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

PB #11-44: O'Sullivan Tree Service Site Plan - Consultation

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TO: John Atzl, Atzl, Scatassa & Zigler, P.C., 234 North Main Street,
New City, New York 10956

FROM: Orangetown Planning Board

RE: O'Sullivan Tree Service Site Plan: The application of O'Sullivan Tree Service, Inc., applicant, John Palladino, owner, (Donald Tracy for the applicant), for Consultation, at a site to be known as "**O'Sullivan Tree Service 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 636 North Greenbush Road, Blauvelt Road, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.15, Block 1, Lot 5 in the LO/R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Monday, September 26, 2011**, the Board made the following determinations:

John Atzl, Donald Tracy and Jim O'Sullivan appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated September 21, 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 26, 2011.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., September 20, 2011.
4. Site Plans prepared by Atzl, Scatassa & Zigler, P.C., dated July 22, 2011
 - Sheet 1: Concept Plan
 - Sheet 2: By Right Plan with Building Envelopes

Public Comments:

Jim Cinnelli, 547 Greenbush Road, Blauvelt, held that the proposed project will create odor and noise in a residential neighborhood.

Diana Lambut, 29 Whittier Road, Blauvelt, stated that the existing noise and odor from the present LO use in the area is unbearable.

Elaine Armaniaco, 577 Greenbush Road, Blauvelt, raised concerns regarding the development of the site. She held that the site is not suitable for the proposed use, and that the site is more suitable for a residential use.

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Ann Brennan, 559 Greenbush Road, Blauvelt, discussed the history of the project site. She requested information regarding the impact of a zone change to other lots in the area.

Kelly Maris, an area resident, raised concerns regarding noise and odors from the proposed use of the site.

John Melnick, 523 Greenbush Road, Blauvelt, raised concerns regarding the increase in traffic to the area.

Robert Zerilli, 601 Greenbush Road, Blauvelt, expressed concerns regarding the increased noise created from the use of the site as proposed by the applicant.

George Blunt, resident of Greenbush Road, Blauvelt, opposed the proposed project.

Victor Armaniaco, 577 Greenbush Road, Blauvelt, opposed the zone change request. He raised concerns regarding the environmental impact to the neighborhood and the devaluation to his property.

Shanaz Fillmore, 497 Greenbush Road, Blauvelt, raised concerns regarding the increase in traffic to the area roadways.

Nancy Bush, 4 Park Lane, Nyack discussed changing the zoning from LO to LI.

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

- 1.** The following note should 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 current Zone District of the property is R-40 to the East of Greenbush Road side and LO to the West of Route 303. The applicant proposed a commercial use that falls under "Wholesale Sales" and therefore is only allowed in an LI zone district. The proposed use would need a zone change or Use Variance.

4. The following comment have been offered by the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, for consultation purposed only and shall not be construed as a final review:

If a zone change is proposed, then the applicant would have to meet the LI zone district set backs and the Route 303 Overlay Zone requirements.

Performance Standards review by the Town of Orangetown Zoning Board of Appeals would be required.

The Site Plan shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.

Parking in any yard is not permitted unless approved by any Board having jurisdiction.

All open storage yards shall be screened from adjacent lots and from the street lines.

A Traffic Study shall be submitted to the Planning Board for review and approval.

Topography shall be provided on the Site Plan showing existing and proposed contours.

The height of the material in the storage bins shall be labeled on the Site Plan.

The proposed height of the building shall be disclosed.

The number of trucks stored overnight shall be shown on the Site Plan.

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5. In regards to the new construction of a storage yard and nursery, the Town of Orangetown Fire Prevention Bureau offered the following comments:

- 1) Install an NFPA 72 Compliant Fire Alarm System in the office building, connected to Rockland county 44-Control and reporting in Contact ID format with amber strobe, as per Town of Orangetown Code.
- 2) Due to the possible mulch fire risk, provide a private yard hydrant with a minimum 6" feed in the center of the yard.
- 3) Install portable fire extinguishers according to NFPA 10.
- 4) Install Emergency and Exit lights according to NEC.
- 5) Install a Key Box.
- 6) Maintain a 20' wide through road for Emergency Vehicle access and show access on Final Approved Site Plan.

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

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

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 26, 2011

Town of Orangetown Planning Board

**PB #09-20: S. Corner Plaza Site Plan –Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

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

RE: **S. Corner Plaza Site Plan:** The application of Hassan Samini, owner, (Donald Brenner, Attorney) for Prepreliminary/Preliminary Site Plan Review for a site to be known as “**S. Corner Plaza 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 on the East side of Route 303, at the intersection of Route 340, at 2 Route 340, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.11, Block 2, Lot 47 in the CC zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Monday, April 6, 2009, Wednesday, February 24, 2010 and Monday, September 26, 2011**, at which time the Board made the following determinations:

April 6, 2009

Donald Brenner, Justin Lim and Dianne Samimi appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated April 1, 2009.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated April 6, 2009.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated April 2, 2009.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated March 30, 2009.
5. Letters from the Rockland County Department of Planning, signed by Eileen Miller, dated March 11, 2009 and Salvatore Corallo, Commissioner of Planning, dated March 26, 2009.

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6. A letter from Rockland County Highway Department, signed by Joseph Arena, Principal Engineering Technician, dated March 20, 2009.
7. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated March 12, 2009.
8. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated March 30, 2009.
9. An Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Fire Inspector, dated February 24, 2009.
10. A letter from Rockland County Department of Health, signed by Scott McKane, dated February 23, 2009.
11. A letter from the Zoning Board of Appeals, Town of Orangetown, signed by P. Castelli, dated February 24, 2009.
12. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, Rockland County Permit Engineer, dated April 2, 2009.
13. Site Plans prepared by Leonard Jackson Associates:
 - Title Sheet dated January 14, 2009
 - Layout dated March 10, 2008
 - Grading, Drainage & Utility Plan dated January 14, 2009
 - Erosion & Sediment Control Plan dated January 14, 2009
 - Landscaping and Lighting Plan dated January 14, 2009
 - Construction Details (1 of 2 and 2 of 2) dated January 14, 2009
14. Narrative Summary, prepared by Leonard Jackson Associates, dated February 10, 2009.
15. Short Environmental Assessment Form, signed by Hassan D. Samimi, dated February 17, 2009.
16. Hydraulic Analyses, prepared by Leonard Jackson Associates, dated January 13, 2009.

The Board reviewed the plan.

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

February 24, 2010

Donald Brenner, Justin Lim and Dianne Samimi appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated February 17, 2010.

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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 February 24, 2010.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated February 18, 2010.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated February 23, 2010.
5. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated February 22, 2010.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 4, 2010.
7. Letters from the New York State Department of Transportation, signed by Mary Jo Russo, Rockland County Permit Engineer, dated April 2, 2009 and February 12, 2010, with an attachment to Bonnie Lyons, Traffic and Safety, Region 8, New York State Department of Transportation, dated February 2, 2010.
8. A letter from the New York State Department of Environmental Conservation, signed by Ellen Hart, Division of Environmental Permits, dated April 7, 2009.
9. A letter from the National Flood Insurance Program, signed by Jonica Gibson, P.E., CFM dated February 15, 2010.
10. A copy of a letter from Leonard Jackson Associates to LOMC Clearinghouse signed by Leonard Jackson dated December 8, 2009.
11. A letter from the Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated February 23, 2010.
12. A copy of a Permit Application to the Rockland County Drainage Agency, dated January 26, 2010.
13. Site Plans prepared by Leonard Jackson Associates:
 - 1) Title Sheet dated January 14, 2009 revised January 6, 2010
 - 2) Layout dated March 10, 2008 revised January 6, 2010
 - 3) Grading, Drainage & Utility Plan dated January 14, 2009, revised January 6, 2010
 - 4) Erosion & Sediment Control Plan dated January 14, 2009, revised January 6, 2010
 - 5) Landscaping and Lighting Plan dated January 14, 2009, revised January 6, 2010
 - 6) Construction Details (1 of 3) dated January 14, 2009, revised January 6, 2010

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- 7) Construction Details (2 of 3) dated January 14, 2009
revised January 6, 2010
- 8) Construction Details (3 of 3) dated January 14, 2009
- 9) Sanitary Profiles dated January 4, 2010
- 10) Sight Distance Analyses dated January 6, 2010
- 14. Plans prepared by William Truss Engineering, dated September 18, 2009:
 - Foundation Plans and Bridge Framing
 - Sections & Details
- 15. Topographic Survey of Property prepared by Atzl, Scatassa & Zigler, revision date April 23, 2008
- 16. Narrative Summary, prepared by Leonard Jackson Associates, dated January 19, 2010.
- 17. Hydrologic Analyses prepared by Leonard Jackson Associates, dated November 3, 2009.
- 18. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Douglas Sampath, Assistant Fire Inspector, dated February 18, 2010, with an attachment of the an interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Fire Inspector, dated February 24, 2009.
- 19. A letter from the Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated February 22, 2010.

Public Comments:

Helen Murphy, abutting business owner, raised concerns regarding flooding of neighboring properties.

Larry Vail, member of the Sparkill Conservatory, Orangetown Environmental Committee and the Architecture and Community Appearance Board of Review; stated that the development of the site goes against the Town of Orangetown Comprehensive Plan and needs to be reconsidered.

The applicant requested a **CONTINUATION** for drainage review.

February 24, 2010

Donald Brenner, Justin Lim and Dianne Samimi appeared and testified. The Board received the following communications:

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1. Project Review Committee Report dated February 17, 2010.
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 February 24, 2010.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated February 18, 2010.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated February 23, 2010.
5. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated February 22, 2010.

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

September 26, 2011

Donald Brenner and Dianne Samimi appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated September 21, 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 26, 2011.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 26, 2011.
4. Letters from HDR dated August 9 and January 17, 2011 signed by Michael Murphy, P.E., and letters from Harvey Goldberg, P.E. dated February 22 & April 7, 2010 and March 30, 2009.
5. Letters from Leonard Jackson Associates, signed by Leonard Jackson, P.E., dated May 5, 2011, December 10 and March 4, 2010.
6. A letter from Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated April 12, 2010.
7. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated March 29, 2010.
8. A letter from the Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer I, dated February 22, 2010.
9. A letter from the Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated February 23, 2010.
10. A copy of the Short Environmental Assessment Form, signed by Hassan Samimi, dated February 17, 2009.

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

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 Leonard Jackson Associates, and having heard from Town of Orangetown’s Professional Drainage Consultant, Henningson, Durham and Richardson Architecture and Engineering, P.C., and 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, and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, - Rockland County Department of Planning, Town of Orangetown

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Zoning Board of Appeals, New York State Department of Transportation, Rockland County Department of Health, Rockland County Sewer District #1, Rockland County Drainage Agency, New York State Department of Environmental Conservation and having reviewed a proposed Site Plan by prepared by Leonard Jackson 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; -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 Bruce Bond and seconded by John Foody and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Andy Stewart, aye; Robert Dell, aye; John Foody, aye; William Young, aye; 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

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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: 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 proposed building shall be designed in accordance with Chapter 14B "Flood Damage Prevention" of the Code of the Town of Orangetown.
4. Drainage shall be approved by the Town's Drainage Consultant and the Department of Environmental Management and Engineering (DEME) before a preliminary site plan approval shall be considered.
5. The driveway entrances onto Routes 303 and 340 need New York State Department of Transportation (NYSDOT) approval. In addition, the proposed access driveway crossing the Sparkill Creek will require approvals from the New York State Department of Environmental Conservation (NYSDEC) and the Rockland County Drainage Agency.
6. The sight distance calculations provided for driveway accesses onto Routes 303 and 340 shall utilize the current speed limit imposed on that roadway. These sight distance calculations shall be approved by the NYSDOT.
7. The property is within the Route 303 Overlay Zone District and is subject to the following requirements:
 - A. All uses within the Route 303 Overlay District shall be adequately screened to minimize the visual impact to passerby on Route 303.

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- B. A twenty-five foot wide vegetated buffer, either containing native vegetation naturally occurring and /or containing shrubs and /or trees a minimum of six feet high, with such shrubs and / or trees as listed under the provisions of § 21-25 of the Land Development Regulations of the Code of the Town of Orangetown at time of planting shall be located along the property line adjacent to the Route 303 right-of-way. This buffer shall be maintained in good condition by the owner of the property.
- C. Not more than 35% of all parking shall be located within the front yard of any lot or parcel. The balance of the parking and all loading and unloading' shall be located in the rear or side yard of the premises.

8. The following variances from the Town of Orangetown Zoning Board of Appeals (ZBA) are required:

- A. For parking in the Rear Yard. Section 5.224 of the Zoning Code states: "Off-street parking. Open accessory off-street parking is permitted in a required front yard, subject to § 5.225 and § 6.1, except as prohibited by § 3.11, **but no off-street parking shall be located within any other required yard as regulated by § 6.1** or usable open space. The off street parking is proposed in other yards and therefore requires a ZBA variance. (Zoning Code, Section 5.224).
- B. Not more than 35% of all parking shall be located within the front yard of any lot or parcel. The balance of the parking and all loading and unloading shall be located in the rear or side yard of the premises. The plan shows more than 35 % of all parking in the front yard. (Zoning Code, Section 13.10, "Nonresidential areas," subsection B, paragraph (10)).
- C. For retail sales and service establishments: if floor area amounts to between 8,000 and 25,000 square feet, **one loading berth is required**. This can be an outdoor berth on the site plan. At least one loading berth is required for this proposed project and none is proposed. (Zoning Code, Section 6.41, paragraph c).

9. The site plan shall be reviewed by the Town of Orangetown Architecture and Community Board of Review (ACABOR) for planting, screening, lighting, building facade etc.

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10. The yard setbacks shall be taken from the building and not the parking lot or sidewalk. Please revise the Bulk Table accordingly and in doing so, other Zoning Board of Appeals variances may be required.

11. Detail design calculations, prepared by the applicant's engineer, shall be submitted for the proposed water quality and quantity system. (SWPPP)

12. The traffic impact study is under review by DEME. However, the report indicates that many of the current intersections are already at a less than optimal level of service, and will actually "get worse" if the site is to be improved (especially the Route 303/Greenbush Road – Route 340 intersection – mislabeled in the report as Orangeburg Road.)

13. 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 this proposed site plan shall be supplied to the Planning Board and DEME, prior to signing the map.

14. The ownership for all easements/dedications shall be given on the plans.

15. The Drainage Consultant to the Planning Board, HDR, recommends acceptance for drainage without conditions. However, the applicant must still pursue the approvals of outside agencies such as the Rockland County Drainage Agency and the New York State Department of Transportation before Final Site Plan Approval can be issued. If either of these agencies request changes to the plans, HDR's recommendation would be withdrawn and the consultant would need to review the plans before once again recommending acceptance without conditions.

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

1) The concerns expressed in the February 12, 2010 letter from the New York State Department of Transportation (NYSDOT) shall be addressed and all required permits obtained.

2) As reflected in the comments in the letter from the NYSDOT, the proposed Site Plan demonstrates that all of the needed site improvements

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to serve this size building cannot be accommodated without parking and queuing conflicts. Therefore, the building shall be reduced in size to allow for an improved site plan layout so that no variances will be required and so that adequate landscaping can be provided.

- 3) An updated review shall be obtained from the Rockland County Sewer District #1 and any concerns addressed. All of the concerns in their March 30, 2009 letter shall be addressed.
- 4) The concerns expressed in the March 29, 2010 letter from the Rockland County Drainage Agency shall be addressed and all required permits obtained from this agency.
- 5) The concerns expressed in the February 23, 2010 letter from the Rockland County Highway Department shall be addressed.
- 6) A review shall be completed by the New York State Department of Environmental Conservation and all required permits obtained.
- 7) A review shall be completed by the U.S. Army Corps of Engineers and all required permits obtained.
- 8) It is recommended that the Lead Agency for review under the State Environmental Quality Review Act require preparation of a Full Environmental Assessment Form.
- 9) The Floodplain Administrator for the Town of Orangetown shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.
- 10) The 100-year flood plain shall be shown on the Site Plan and all construction shall be outside of this flood plain.
- 11) 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.

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

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

14) If any public water supply improvements are required, engineering plans and specifications 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, and the New York State regulations governing public water systems. Both the application and supporting engineer's report must be signed and stamped by a New York State licensed professional engineer and shall be accompanied by a completed New York State Department of Health Form 348, which must be signed by the public water supplier.

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

16) A signage plan shall be provided that demonstrates that all signage will be located so as to prevent any impediment to sight distance along the State roads.

17) 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.

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18) Landscaping plans shall be submitted that demonstrate compliance with the Route 303 Overlay Zone requirements and include low evergreen plants to shield headlights from cars parked facing Route 303 from entering the State road.

19) The lighting plan shall be revised so that no light will shine into the right of way of the state roads.

20) The Rockland County Department of Planning requests the opportunity to review any variances that may be requested in order to implement the proposed site plan and change of use, as required by the New York State General Municipal Law, Section 239-m (3)(a)(v).

17. The Rockland County Department of Highways found that based upon the plans and information provided for the project, it was found that the requested action will have a de minimus impact to County Roads in the area. The Rockland County Department of Highways also found that the traffic study submitted does not address any information pertaining to pedestrian movements, crossing or public improvements, crossing or public improvements.

18. The Rockland County Drainage Agency (RCDA) offered the following comments which are incorporated herein as conditions of approval:

1) The current owner or officer of the company must sign the permit application to RCDA.

2) Project drawings signed and stamped or sealed by a P.E. or R.A. licensed in the State of New York shall be submitted to the Rockland County Drainage Agency.

3) The 100-year floodplain elevation and the 100 year floodplain boundary delineated on the "Grading, Drainage & Utility Plan" drawing appear to be inconsistent with the latest Flood Insurance Rate Map (FIRM) established by the Federal Emergency Management Agency (FEMA) for the Town of Orangetown. The Methodology section in the Hydraulic Analyses report

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indicates that an application for Letter of Map Revision has been filed with the FEMA. Please review and revise the drawing to indicate the existing 100 year flood plain elevation and the flood plain boundary consistent with the latest FIRM established by the FEMA or provide a copy of the approved LOMA validating the proposed 100 year floodplain elevation and delineation.

4) The project drawings indicate that a portion of the 100-year flood plain of the Sparkill Creek will be filled and the 100- year flood plain boundary will be relocated, as a result of the proposed project. The Hydraulic Analyses report indicates that an application has been filed with FEMA for a Letter of Map Revision (LOMR). Please provide a complete copy of the LOMR application submitted to FEMA with all supporting documents and drawings. In addition, provide the RCDA with a copy of the LOMR issued by the FEMA for this proposed project.

5) The Sparkill Creek floodway delineated in the “Existing Condition Workmap” and “Proposed Condition Workmap” included with the “Hydraulic Analyses” report appears to be inconsistent with the current Flood Insurance Study (FIS) established by FEMA. Please delineate the Sparkill Creek Floodway at the project site consistent with FIS established by FEMA or provide a copy of the approved LOMR validating the 100 year floodway delineation shown on the maps.

6) The “Erosion & Sediment Control Plan” drawing does not show erosion control measures at the proposed construction area of the new 36’ – 3” bridge abutments across the Sparkill Creek and four (4) stormwater outlets along the Sparkill Creek. In addition, a portion of the proposed Detention Tank 2 construction and pipe installation between CI 5 do not appear to be enclosed by erosion control measures. Provide Soil Erosion and Sediment Control measures consistent with the New York Standards for Erosion and Sediment Control to prevent sediment from leaving the site during construction.

7) Provide a stockpile detail and proposed location(s) of stockpiles on the project drawings consistent with the New York State Standards and Specifications for Erosion and Sediment Control to prevent sediment from leaving the site during construction.

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8) The project drawings indicate that a 36' – 3" span bridge is being proposed across the Sparkill Creek to access the site from New York State Route 303. However, the project drawings did not include any water management and stream diversion measures. Please indicate the proposed water management and stream diversion measures on the project drawings. Provide a method of dewatering the work area and the removal of any suspended sediment in the water prior to its return to the Sparkill Creek.

9) "Construction Details (2 of 2)" drawing indicates details of detention systems labeled "Outlets at Rooftop Detention (A Side & B Side)." The detention tanks have 3'-4" diameter and 6" height. However, the project drawings do not indicate the locations of the Rooftop Detention systems or information on how stormwater will be routed through them. Review and revise the drawings as necessary.

10) The project drawings indicate that the proposed bridge abutments are located outside the floodways limits of the Sparkill Creek. However, in accordance with the Flood Insurance Study of Sparkill Creek, Town of Orangetown, the Regulatory Floodway width at the proposed bridge area is 90 feet. As such, the proposed 36; - 3" bridge would be an obstruction to the floodway of the Sparkill Creek. In addition, the "Grading, Drainage, & Utility Plan" indicates placement of fill within the floodway and floodplain areas. The FEMA National Flood Insurance Program (NFIP) regulations, 44 CFR 60.3 (d) (3) states "floodway encroachments shall not result in any increase in flood levels with the community during the occurrence of the base flood discharge." Contrary to this, the "Hydraulic Analyses" report, Table 4, indicates a 0.19-foot rise in 100 year flood/floodway elevation at section 32500. Please review and revise as necessary.

11) The "Grading, Drainage, & Utility Plan" indicates that most of the stormwater runoff entering the catch basins would be diverted to oil-water separators. The RCDA recommends that the design be revised to show the entire runoff from the parking areas being treated for water quality and to remove floating debris before being discharged into the Sparkill Creek.

12) Contrary to the details of the circular rooftop detention structures, "Outlet at Rooftop Detention (A side) & (B side)," shown in the "Construction Detail (2 of 3)" drawing, the Hydrologic Analyses report, page 22, indicates that the surface area of the rooftop detention system increases with the increase in elevation. Review and revise as necessary to provide consistent information among drawings and calculations.

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13) Test pits shall be excavated in the vicinity of the proposed underground stormwater chambers to determine the depth of seasonal high water table. Prior to excavating the test pits, coordinate with RCDA in order for an inspector to be present at the site when the test pits are scheduled to be excavated.

14) The project drawings indicate that a bridge is being proposed across the Sparkill Creek from the New York State Route 303 to access the project area. Drawing Nos. S-1 & S-2 indicate a conceptual design of the proposed bridge with sections and plans. Please provide RCDA with complete bridge structural design plans, sections, details, calculations and scour calculations, signed and stamped or sealed by a Professional Engineer or a Registered Architect, licensed in the State of New York.

15) Please provide a **copy of the documentation/approval from the New York State Department of Transportation authorizing the applicant to construct the proposed bridge and access road from State Route 303.**

16) Submit a digital copy of the hydrologic and hydraulic models to the RCDA after all revisions, if any, have been made. The RCDA has not reviewed the HEC-RAS hydraulic calculations submitted at this time. The model will be reviewed and comments, if any, will be provided upon receipt and review of the digital copy of the hydrologic and hydraulic models.

17) In accordance with Chapter 846, Rockland County Stream Control Act, provide the RCDA with an environmental impact statement for the proposed project that provides sufficient information and details of the upstream and downstream impact of the proposed project with respect to the impact on aquatic life and habitat, fauna, biota, vegetation and wetlands. The environmental impact statement should also identify and describe any mitigating measures that will address the potential environmental impacts of the proposed project.

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18) The project drawings indicate significant disturbance to the Sparkill Creek stream bank as a result of the proposed bridge construction. Permits and approvals for the proposed project and stream bank disturbance will be required from the New York State Department of Environmental Conservation (NYSDEC). Submit to the RCDA a copy of the permit application submitted to the NYSDEC for the proposed bridge and associated stream bank disturbance. If permit of comment letters have been generated or issued by the NYSDEC regarding the bridge and associated stream bank disturbance, provide the RCDA with copies of the comment letters and/or the permit issued by the NYSDEC.

19) Provide the certification issued by the Floodplain Administrator for the Town of Orangetown that the proposed construction is in compliance with Chapter 14B, "Flood Damage Prevention," Town of Orangetown Town Code, as adopted by the Town of Orangetown.

20) All drawings and calculations submitted in support of the application must be signed and stamped or sealed by a Professional Engineer or Registered Architect licensed in the State of New York. The requested information shall be provided to RCDA in triplicate.

19. The Rockland County Sewer District #1 (District) had the following comments:

1) The District maintains sewers in an easement on the property. No permanent structures may be built within its easements. If any foundation work or other types of major excavation work is to be done within close proximity to the easement boundary, the District must be notified forty-eight (48) hours in advance. Shoring or other types of precautions may be needed to protect the sewer main. The property owner must also pay these expenses.

a. The District discourages the proposed building footprint. One corner of the building would be nine feet (9) from the easement boundary, in which there is a forty-two (42") interceptor sewer approximately nine feet (9') deep.

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2) To prevent any damage from occurring to the existing main, the District must be notified when the land within the easement is to be modified. This includes but is not limited to regarding, raising or lowering of manhole frames, or working in close proximity to sewers and manholes within the easements. The District must approve any construction to be done within its easements.

3) Drawing No. 3 "Grading, Drainage & Utility Plan," shows that the sanitary sewer connection for the proposed building will cross the District's easement and connect to an Orangetown sewer main. The contractor must obtain required insurance and sign a waiver to defend, indemnify, save, and hold harmless both the **County of Rockland** and **Rockland County Sewer District No. 1** from any claims arising from work performed with its easements.

4) If the existing house connections are hooked up to the District's sewer, they must be plugged with a permanent watertight plug or cap encasing in concrete.

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

The proposed bridge shall be in compliance with Section F503.2.6 of the New York State Fire Code.

The proposed exit onto Route 303 Northbound shall allow for a fire apparatus with a wheelbase of 244 inches to exit from the parking lot.

No parking fire lane signs shall be added as indicated on the Site Plan in "red" using plan symbol #2.

Provide drawings/Plans for Fire Sprinkler system and Fire Alarm system to be approved by the Town of Orangetown Fire Prevention Bureau before any work commences.

Install an NFPA 13 compliant Fire Sprinkler system with a 4" Storz Fire Department connection.

Maintain the Fire Sprinkler system according to NFPA 25.

Install and maintain an NFPA 72 compliant Fire Alarm System.

Install amber and red strobes as required by the Orangetown Code.

Install and maintain portable fire extinguishers as required by NFPA 10.

Provide and maintain Fire Lane/Fire Zone for fire department access on Final Approved Site Plan.

Install and maintain any signage for Fire Lane/Fire Zone.

Apply for and maintain a Certificate of Compliance Fire Safety with the Bureau of Fire Prevention.

Install Key Box and provide keys as required.

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21. The Rockland County Department of Health (RCDOH) reviewed the plans and had the following comment: Application is to be made to the RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.

22. The New York State Department of Transportation (NYSDOT) reviewed the plans and had the following comments:

In accordance with the Route 303 corridor study, future road improvements will include turns lanes for both Route 303 and Route 340. There is also a project in the near future that will be placing sidewalk along Route 340. The area between the dedicated street line and the existing right of way line will be used for road improvements. The current entrance and building location conflicts with the future road widening. The 15 foot offset required by the state shall be from the designated street line.

Left turns out the proposed driveway will be very difficult due to the length of the queue and the vehicles turning left from Route 303. If this becomes a safety issue, left turns may be restricted in the future. The entrance shall be placed as far away from the intersection as possible. The applicant shall investigate a share access with the Rockland County Sewer Department.

The proposed configuration of the entrance at Route 340 does not allow room for vehicles to queue without blocking parking in the lot. Future road widening will further decrease the available length. Vehicles backing out of the parking spaces will conflict with vehicles entering the property. The parking area must be moved further back.

Due to the unknown needs of our future road improvements, NYSOT can not allow the abutment walls to be placed within the right of way on Route 303.

The applicant shall follow the NYS regional commercial driveway design, provided to the applicant at the Planning Board Meeting of February 24, 2010.

Guiderail is placed to protect traffic from existing roadside hazards. Placement location is based on the point of need, development length and the location of curbing. More detailed grading plans showing the profile from the road must be provided to determine the feasibility of relocation.

The existing and proposed roadside drainage has not been shown on the plans. Spot grades shall be shown along the curb lines.

Scour protection must be placed at the outlets from the detention basin.

The curb detail shown on Drawing #6 is incorrect.

Guiderail must meet current specification under Item 606 of the New York State Standard Specifications and Standard sheets.

A copy of the approvals from the Rockland County Drainage Agency shall be provided to NYSDOT.

The traffic study submitted to NYSDOT did not meet their requirements. NYSDOT require a SYCHRO analysis be submitted in disk format and as a hard copy. NYSDOT can not make a final determination on the location of the entrance until this is submitted and reviewed.

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23. The NYSDOT provided the following additional comments:

There is a shared right/thru/left lane WB on Route 340. While many of the movements are right turns, the left and through movements block the right turns. The volume of the approach is dependent on the class dismissal times at the college just east of the intersection and the departure of employees from Rockland County Sewer Department just east of the proposed driveway on Route 340. A left turn from the proposed driveway will be very difficult due to the queue and vehicles turning left from Route 303.

The Route 303 corridor study suggests turn lanes to be added to both Route 340 and Route 303. Presently work at this intersection is scheduled for 2016. The driveway should work with the future widening and not impeded progress of this improvement. The driveway from Route 303 requires a bridge to be built over the Sparkill Creek. The abutment would be in the state right of way. This could interfere with future improvements.

24. Based upon the circulated documents, the New York State Department of Environmental Conservation (NYSDEC) holds that the project will require NYSDEC permits as indicated below:

Article 15, Protection of Waters: For physical disturbance to the bed or banks of a protected stream, excavation or fill within a navigable water body, or repair/ construction of a dam. The **Sparkill Creek (Water index #: H-13, Class C(t))** is located in or near the site indicated. NYSDEC advises the project representatives of the potential need for this permit. It is possible that the NYSDEC permit requirements noted may change based upon additional information received or as project modifications occur.

Additional Comments: In addition to the permit requirements, the resources that are indicated shall be evaluated during the review of this project under SEQRA:

Cultural Resources: NYSDEC has reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation and Historic Preservation. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources. Therefore, the NYSDEC review of the project will require preparation of a Cultural Resources Assessment and the review of the New York State Office of Parks, Recreation and Historic Preservation.

**PB #09-20: S. Corner Plaza Site Plan –Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

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

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

27. 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.

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

29. 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).

**PB #09-20: S. Corner Plaza Site Plan –Preliminary Site Plan Approval
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30. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.

31. 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

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

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

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

The foregoing Resolution was made and moved by Bruce Bond and seconded by William Young and carried as follows: Bruce Bond, aye; Andy Stewart, nay; Kevin Garvey, aye; John Foody, aye; Jeffrey Golda, aye; Robert Dell, nay and William Young, aye. (Robert Dell held that the applicant should have submitted a Full Environmental Assessment Form)

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

Dated: September 26, 2011
Town of Orangetown Planning Board
attachment

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

**PB #09-20: S. Corner Plaza Site Plan –Preliminary Site Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
September 26, 2011**

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: S. Corner Plaza 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 on the East side of Route 303, at the intersection of Route 340, at 2 Route 340, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.11, Block 2, Lot 47 in the CC zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

PB #11-43 – Blickman Subdivision Plan– Granted a Reduction in the Performance Bond Amount (Performance Bond #11-09-69.19:1:25)

**Town of Orangetown Planning Board Decision
September 26, 2011
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TO: Victoria Blickman Jacqueney, 15 Sickletown Road, Pearl River,
New York, 10965
FROM: Orangetown Planning Board

RE: The application of Victoria Blickman Jacqueney, Trustee, owner, for a Reduction in the Amount of the Performance Bond for a site known as “Blickman 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 15 Sickletown Road, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 69.19, Block 1, Lots 25.1, 25.2 & 25.3 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held, **Monday, September 14 and Wednesday, September 26, 2011** at which time the Board made the following determinations:

September 14, 2011

Victoria B. Jacqueney appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated September 7, 2011.
2. Interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated September 14, 2011.
3. An interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering (DEME), Town of Orangetown dated August 22, 2011.
4. A letter from the Town of Orangetown Highway Department, signed by Mike Yannazzone, General Foreman, dated August 25, 2011.
5. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated September 14, 2011.
6. An e-mail from Victoria B. Jacqueney, Trustee, dated August 8, 2011.
7. PB #11-38; Reduction in the Performance Bond Amount and Extension of Term, dated July 27, 2011.

The Board reviewed the plan.

The applicant requested a **CONTINUATION**.

PB #11-43 – Blickman Subdivision Plan– Granted a Reduction in the Performance Bond Amount

Town of Orangetown Planning Board Decision

September 26, 2011

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September 26, 2011

Victoria B. Jacqueney appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated September 21, 2011.
2. An interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering (DEME), Town of Orangetown dated September 26, 2011.

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

DECISION: In view of the foregoing, the Board **GRANTED A REDUCTION IN THE AMOUNT OF THE PERFORMANCE BOND**, subject to the following conditions:

1. All previous conditions of subdivision approvals and performance bond requirements remain in effect.
2. The applicant shall comply with the amount of the Performance Bond in accordance with the interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering (DEME), Town of Orangetown dated September 26, 2011.

<u>ITEM</u>	<u>COST</u>
As-Built drawings	\$ 1,800.00
Soil Erosion & Sediment Control	15,787.00
Sanitary Sewer System	7,050.00
	<u>Sub-Total \$ 24,637.00</u>
Administrative Close-out (20% of Sub-Total)	\$ 4,927.40
	<u>Total Bond \$ 29,564.40</u>

Revised Inspection Fee not required.

All Bonds are to conform to current town regulations and are subject to approval by the Town of Orangetown Town Attorney's Office as to form and substance.

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

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

Dated: September 26, 2011
Town of Orangetown Planning Board

