

**MEETING OF AUGUST 1, 2012
TOWN OF ORANGETOWN PLANNING BOARD**

MEMBERS PRESENT: Kevin Garvey, Chairperson; William Young; John Foody; Michael Mandel; Robert Dell and Jeffrey Golda

MEMBERS ABSENT: Bruce Bond

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

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 Item:

Virginia Homes Subdivision Prepreliminary/ Preliminary Subdivision Plan and SEQRA Review 77.08/5/33.2 & 36; RG zoning district	Continued: Revise Plans	PB #12-37
--	------------------------------------	------------------

Continued Item from July 18, 2012 Meeting:

Temple Israel Memorial Park Roadway Extension Plan Final Site Plan Review 69.20/2/28; R-15 zoning district	Final Site Plan Approval Subject to Conditions	PB #12-32
---	---	------------------

The decisions of the July 18, 2012 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Jeffrey Golda and seconded by William Young and carried as follows: John Foody, aye; Kevin Garvey, abstain, Jeffrey Golda, aye, Robert Dell, aye; Bruce Bond, absent; Michael Mandel, aye and William Young, aye.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by William Young and seconded by Jeffrey Golda and agreed to by all in attendance. The meeting was adjourned at 9:00 p.m. The next Planning Board meeting is scheduled for September 12, 2012.

**DATED: August 1, 2012
Town of Orangetown Planning Board**

**PB #12-32: Temple Israel Memorial Park Roadway Extension Plan - Final
Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision
August 1, 2012**

TO: Lawrence Kintisch, 208 Hilltop Drive, Upper Nyack,
New York 10960
FROM: Orangetown Planning Board

RE: Temple Israel Memorial Park Roadway Extension Plan: The application of Lawrence Kintisch, applicant, for Congregation Sons of Israel of Nyack, owner, (Sol Kodsi, Attorney for the owner), for Final Site Plan Review, at a site known as “**Temple Israel Memorial Park Roadway Extension Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 75 Van Wyck Road, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.20, Block 2, Lot 28 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **July 18 and August 1, 2012** at which time the Board made the following determinations:

July 18, 2012

Lawrence Kintisch and Thomas Skrable appeared and testified for the applicant. The Board received the following communications:

1. Project Review Committee Report dated July 11, 2012.
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 July 18, 2012.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., July 12, 2012.
4. A letter from Rockland County Department of Planning, signed Thomas B. Vanderbeek, P.E., Commissioner of Planning, dated July 13, 2012.
5. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 22, 2012.
6. A Plan prepared by Thomas W. Skrable, P.E., dated January 31, 2012, last revised June 13, 2012, entitled Proposed Driveway Extension & Mosquito Control Plan.
7. Copies of the following Board decisions: ZBA #12-36, Special Permit Granted, dated June 20, 2012 and PB #12-21, Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec., dated May 9, 2012.

The Board reviewed the plan.

Public Comments:

Thomas Diviny, Town of Orangetown Councilman, speaking as a private citizen, requested that the Board require the applicant to plant vegetation along the North property line.

Paul Valentine, Town of Orangetown Councilman, speaking as a private citizen, raised concerns regarding the drainage impact on the surrounding properties and requested that plantings be placed along the Northerly side of the property.

Nancy Antonucci, 101 Swannekin Road, requested information regarding ownership of the drainage connections and drainage impact of the site improvements on residents of Swannekin Road.

Ray Icobelli, 10 Glenwood Drive, supported the placement of trees along the North property line.

Bob DeRosa, 3 Glenwood Drive, thought that the vegetative buffer along the North property line was an improvement to the site plan.

Dennis Casey, 11 Glenwood Drive, requested that the Board guarantee that no expansion on the site would take place for the next 20 years.

The applicant requested a **CONTINUATION**.

August 1, 2012

Lawrence Kintisch and Thomas Skrable appeared and testified for the applicant. The Board received the following communications:

1. Project Review Committee Report dated July 25, 2012.
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 August 1, 2012.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., July 26, 2012.
4. Site Plan prepared by Thomas W. Skrable, P.E., dated January 31, 2012, last revised July 23, 2012, entitled Proposed Driveway Extension & Mosquito Control Plan.

Public Comments:

Gale Henderson - Rogo, 20 Glenwood Drive, supported the placement of trees along the North property line.

Carmen Reilly, Crooked Hill Road, Pearl River, requested that the site be properly developed without impacting the surrounding area.

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall revise the tree line along the Northwest property line as follows:
 - A minimum of 10 trees shall be planted, extending in a Northwesterly direction.
 - Each tree shall be a minimum of 8 to 9 feet in height, when planted.
4. The Site Plan shall be revised to note a bump out in the fence in the area of

the trees.

5. Staked hay bales shall be placed along the Western line.
6. The placement of a berm along the Northern property line is unnecessary and may cause ponding on the properties to the North. In addition, the berm is unnecessary because the grading of the site runs East West (i.e. stormwater runoff will run West, not to the North.)
7. The Site Plan indicates that water was discovered at 42 inches below grade at the test pit location; however the infiltration trench is proposed to be 4 feet deep. This means that potentially, the last 6 inches of the trench would fill with ground water even during dry conditions, and therefore lose storage capacity. The applicant's engineer shall widen the trench (and possibly reduce its depth by 6 inches) to compensate for the storage that could be lost in the last 6 inches of depth.
8. There shall be no net increase in the peak rate of discharge from the site at all design points.
9. Prior to the start of construction or grading, a soil and erosion control plans shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.
10. Rockland County Highway Department found that the proposed project as submitted should have a de minimus impact to County roads in the area. A zero net increase in runoff rate from the site shall be achieved.
11. The Rockland County Health Department (RCDOH) reviewed the plans grants approval of the Stormwater Management system for compliance with the County Mosquito Code.
12. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans prior to signing the final plans.
13. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
14. **TREE PROTECTION:** The following note shall be placed on the Site Plan:
The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:
 - a. No construction equipment shall be parked under the tree canopy.
 - b. There will be no excavation or stockpiling of earth underneath the trees.
 - c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
 - d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.

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

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

15. 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.

16. 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.

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

18. 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).

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

20. 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

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

22. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.

The foregoing Resolution was made and moved by John Foody and seconded by William Young and carried as follows: Bruce Bond, absent; Michael Mandel, aye;

William Young, aye; John Foody, aye; Robert Dell, aye; Jeffrey Golda, aye and Kevin Garvey, aye.

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

Dated: August 1, 2012
Town of Orangetown Planning Board