

**Meeting of September 24, 2012
TOWN OF ORANGETOWN PLANNING BOARD**

MEMBERS PRESENT: Kevin Garvey, Chairperson;
Vice-Chairperson, William Young; Michael Mandel; and Jeffrey Golda

MEMBERS ABSENT: Bruce Bond, John Foody and Robert Dell

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

CONTINUED ITEM:

Virginia Homes Subdivision
Prepreliminary/ Preliminary
Subdivision Plan and SEQRA Review
77.08/5/33.2 & 36; RG zoning district

**Preliminary Subdivision PB #12-37
Approval Subject to
Conditions/ Neg. Dec.**

NEW ITEMS:

Quinn Subdivision Plan
Request for 2nd 90 day
Extension to File Subdivision
Plan with Rockland County Clerk's Office
77.08/5/48; CS zoning district

**Granted 2nd 90 Day
Extension to File**

PB #12- 39

**Heaton-Fitzgerald Subdivision
Performance Bond**
Request for an Extension of
Performance Bond Term
77.14/1/5.1, 5.2, 5.3; R-15 zoning district

**Continued
to November 28 Meeting**

PB #12-40

**Crestron Electronics
Performance Bond** Request for a
Recommendation to Town Board
for Release of Performance Bond
or Extend the Term of the Bond
77.05/1/36/37; LIO zoning district

**Postponed
to October 10th Meeting**

PB #12-41

**Hauser Estates Subdivision
Performance Bond** Request for an
Extension of Performance Bond Term
77.11/1/8.1, 8.2, 8.3, 8.4; R-15 zoning district

**Continued
to October 24th Meeting**

PB #12-42

**Orangeburg Warehouse Facility
Performance Bond**
Request for a Recommendation to Town
Board for Release of Performance Bond
74.15/1/21; LI zoning district

**Recommended to the
Town Board**

PB #12-43

The decision of the September 12, 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, absent; Kevin Garvey, aye, Jeffrey Golda, aye, Robert Dell, absent; 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 8:35 p.m. The next Planning Board meeting is scheduled for Wednesday, October 10, 2012.

DATED: September 24, 2012
Town of Orangetown Planning Board

P B #12-37: Virginia Homes Subdivision Plan- Preliminary Approval
Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision
September 24, 2012

TO: Jay Greenwell, 85 Lafayette Avenue, Suffern, New York 10901
FROM: Orangetown Planning Board

RE: Virginia Homes Subdivision Plan: The application of Kevin J. Ramsay, owner, for Prepreliminary/ Preliminary Subdivision Plan Review, at a site to be known as "**Virginia Homes 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 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 south side of William Street at the intersection of William Street and Sparkill Avenue, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.08, Block 5, Lots 33.2 & 36 in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **August 1 and September 24, 2012**, at which time the Board made the following determinations:

August 1, 2012

Jay Greenwell and Kevin Ramsay appeared and testified.

The Board received the following communications:

1. A 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., dated July 26, 2012.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated July 24, 2012, with attachments.
5. A letter from the Rockland County Department of Planning, signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning, dated July 24, 2012.
6. Letters from the Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated July 27, 2012.

7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 25, 2012.
8. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated July 20, 2010.
9. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated July 19, 2012.

10. A letter from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, signed by Janet Swentusky, dated June 25, 2012.
11. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated June 20, 2012.
12. A Full Environmental Assessment Form signed by Kevin Ramsay, dated July 9, 2012.
13. Preliminary Plans prepared by Jay Greenwell PLS, dated May 10, 2012:
 - Sheet 1: Subdivision of Property
 - Sheet 2: Grading, Drainage & Utility Plan with Catchment Areas
 - Sheet 3: Plan and Profiles
 - Sheet 4: Construction Details
 - Sheet 5: Erosion & Sediment Control Plan and Tree Plan
14. Drainage Report prepared by Paul J. Petretti, P.E., dated May 2012.

The Board reviewed the Subdivision Plan.

Public Comments:

Eileen Larkin, resident of Palisades: raised concern regarding the impact of the proposed development on the Sparkill Creek and area residents.

Michele Shay, 584 Route 340, Sparkill, expressed concerns regarding the overdevelopment of the land around the Sparkill Creek. Ms Shay stated that her house has experienced flooding in the past few years. She questioned the Board about the effectiveness of the existing Graney Gardens detention basin.

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

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

The applicant requested a **CONTINUATION**.

September 24, 2012

Jay Greenwell, Paul J. Petretti and Kevin Ramsay appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated September 19, 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 September 24, 2012.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated September 20, 2012.
4. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief, dated September 24, 2012.
5. Preliminary Plans prepared by Jay Greenwell PLS, dated May 10, 2012, Revised August 24, 2012, unless noted:
 - Sheet 1: Subdivision of Property
 - Sheet 2: Grading, Drainage & Utility Plan with Catchment Areas

Sheet 5: Erosion & Sediment Control Plan and Tree Plan

Tree Exhibit: dated August 30, 2012

6. A letter from Jay A. Greenwell, PLS, LLC, Land Surveying and Land Planning, signed by Jay A. Greenwell, PLS, dated September 4, 2012.

Public Comments:

Ron Evangelista, 588 Route 340, Sparkill, raised concerns regarding the impact of the development on flooding downstream. He questioned the Board on the applicant's submittal of a SWPPP and requested a copy of the subdivision plan. Mr. Evangelista wanted to know if there would be modification to the existing detention basin to accommodate the 7 new dwellings.

Diana Jordon, 599 Route 340, Sparkill, expressed concerns regarding continued drainage in the area around Route 340 and the Sparkill Creek.

Michael Shay, 584 Route 340, Sparkill, discussed the overdevelopment of the land around the Sparkill Creek and the continued flooding of the area. He noted that the grades of the property and the detention basin needed to be modified in order to take on additional houses.

A motion was made to close the Public Hearing portion of the meeting by William Young and second by Michael Mandel and carried as follows:

Kevin Garvey, aye; Bruce Bond, absent; William Young, aye; Robert Dell, absent; John Foody, absent, Michael Mandel, 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 William Young and seconded by Jeffrey Golda and carried as follows: Kevin Garvey, aye; Bruce Bond, absent; William Young, aye; Robert Dell, absent; John Foody, absent; Michael Mandel, 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 Jay Greenwell, PLS, 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 Health and Rockland County Drainage Agency, and having reviewed a Subdivision Plan by prepared by Jay Greenwell, PLS, 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 William Young and seconded by Jeffrey Golda and carried as follows: Kevin Garvey, aye; Bruce Bond, absent; Robert Dell, absent; John Foody, absent; William Young, aye; Michael Mandel, 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 APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. The following note shall be placed on the Subdivision Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Subdivision Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The Full Environmental Assessment appears to be in order.
4. The subdivision plan shall be reviewed and approved by the Town of Orangetown Architecture and Community Appearance Board of Review.
5. A demolition permit is required to remove the existing dwelling on Lot #4. This shall be done before the signing of the subdivision map.
6. A Stormwater Pollution Prevention Plan is required for this subdivision.
7. The drainage calculations are currently under review by DEME. However, the rainfall rates provided are not the current NYSDEC standards for this region. The calculations shall be revised using the new rates.
8. The soil erosion and sediment control plans and details are under review by DEME.
9. Profiles for the road and the sanitary and storm sewer lines shall be provided with the plans.

10. The proposed sanitary house connection inverts shall be given on the plans.
11. A detail for the connection to the existing sanitary main on William Street shall be added to the plans.
12. The rim and invert elevations for all proposed sanitary sewer manholes shall be shown on the subdivision plan.
13. The proposed private sanitary pumping systems for Lots #3 and #7 shall meet ten state standards and NYSDEC requirements (i.e. 24 hour storage, maintenance, etc). Also, the applicant shall ensure that a maintenance agreement between the purchaser of said lots and a pump maintenance company shall be in place at the time of the sale of the lot for a minimum of one year.
14. A note shall be added to the plans on Lots #3 and #7, that gravity house connections are not available to the lots and a private sanitary pumping system is required, and the maintenance of the pumping systems shall be the responsibility of the individual home owners.
15. Typical details shall be include with the drawings (i.e. catch basin, manhole, manhole frame cover with cover details (including Town name and date), etc.
16. The entire planting circle in the cul-de-sac at the end of the development roadway shall be a No Parking Fire Zone. Signage shall be in place before the Certificate of Occupancy's are issued for the houses in the circle.
17. The Drainage Consultant to the Planning Board, Brooker Engineering, held that the information provided demonstrates that potential significant adverse environmental impacts to stormwater quantity can be addressed by utilization and modification of the existing stormwater management basin. The Consultant therefore recommends that the Virginia Homes Subdivision be approved for drainage subject to the following Project Comments.

Project Comments:

1. Detailed grading and additional spot grades shall be provided where the new road intersects William Street. The proposed road profile shows the new road sloping up, away from William Street, which may result in puddling at the southern corner in the bend at William Street. Additional catch basins may be needed to prevent puddling. Spot grades shall be added at the crown in the road and along the edge of pavement. The proposed vertical curve at this new road shows a slope of approximately 0.4% at the new road. It is recommended that the slope after the vertical curve be increased to prevent puddles at the intersection.
2. Minor inconsistencies in the grading plan on Drawing 2 shall be corrected: the grading at the northeast corner of the dwelling at Lot #2 shows runoff directed to the house; the "50" contour at the front of Lot #6 shall be a "46" contour, the elevation "50" contour on Lot #4 shall cross across the driveway, an additional elevation 44 contour is needed in the front of Lots #6 and #7, an elevation "40" contour is needed in the cul-de-sac in front of catch basin 1B, grading behind the dwelling on Lot #2 shall be provided that shows a reasonable rear yard.
3. The "stone retaining wall to be removed" on Lot 3 is a check dam located in a drainage swale. This area most likely historically experienced higher stormwater runoff, which may have been used to create a ponding effect. Off-site runoff to this location shall be analyzed to confirm that no intermittent stream is present at this location, which may impact the future homeowner's use of the backyard. The drainage pattern at this location

may have been altered so that the check dam is no longer of significance; however, this shall be confirmed by the applicant's engineer.

4. Proposed grading is shown south of the property on Town of Orangetown property. This shall be approved by the Town of Orangetown.

5. Rotate Drainline: A storm drainage pipe entering the detention basin to avoid discharge of stormwater along the east embankment of the detention basin.

6. Add a proposed drainage easement on Lot #7 for the proposed Drainline A to the detention pond.

7. Forebays shall be added as per NYSDEC requirements in the detention pond at the stormwater outfalls to assist in future maintenance of the basin.

8. Rim and invert elevations for the proposed drainage structures shall be added on the "Grading, Drainage & Utility Plan with Catchment Areas."

9. The routing calculations shall clearly show the on-site and off-site drainage basins that enter the detention basin and route these flows accordingly. A drainage basin map supporting this would be helpful in performing the review.

10. The outlet structure in the detention basin is located offset from the edge of the embankment, in the middle of the pond. It is recommended that proposed fill connecting the embankment to the outlet structure be shown on the plan to assist in future access and maintenance by the Town of Orangetown.

11. Updated standards for 24 hour rainfall for each design storm shall be utilized in the drainage report.

12. The "catchment areas" map on the drainage report plan shall show proposed grading to assist in review of the catchment area delineation. The catchment areas shall contain a description to describe their purpose. The nexus between the catchment areas on this plan and the drainage report shall be provided to assist in the review of the hydrologic modeling contained in the drainage report.

13. The drainage report shall clearly show the point of interest being analyzed, the existing conditions runoff and the proposed conditions peak runoff rates for the design storms. The type of Best Management Practice as per NYSDEC regulations for the proposed modifications for the Stormwater Management Pond shall be identified in the Drainage Report and all requirements addressed.

14. A Stormwater Pollution Plan shall be provided addressing required elements contained in NYSDEC standards. Water quality requirements for Water Quality Volume, Channel Protection Volume, and Runoff Reductions shall be quantified and included in the Stormwater Pollution Prevention Plan.

15. A plan view drawn to scale of the outlet structure shall be added to the plan. Trash racks to prevent clogging of the low flow orifices shall be provided. A grate shall be added to the top of the outlet structure to prevent clogging of the pipe outlet from the outlet structure. The low flow outlets of the control structure shall be verified.

16. The erosion control plan shall be developed to include the proposed phasing plan and other recommended methods by the NYSDEC, included check dams, sedimentation basins, etc.

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

1. A review must be completed by the County of Rockland Department of Highways and all required permits obtained from that agency.

2. As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

3. As indicated in the July 19, 2012 letter from the Rockland County Drainage Agency, a permit from that agency will be required.

4. The Conservation Easement shall be described on the individual lot deeds for the impacted lots, so that owners know of its existence and they know that no grading, fill or structures can be placed within that area. In addition, boulders or some other boundary markers shall be used to delineate the area to be left in its natural state.

5. The concerns expressed in the June 25, 2012 letter from the Rockland County Department of Health shall be addressed and all required permits obtained.

6. Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages, and County with an adequate supply of water. All major subdivision, i.e., those with five or more lots, must be reviewed and approved by the Rockland County Department of Health (RCDOH) prior to filing with the County Clerk. RCDOH is mandated by NYS law to ensure that such subdivision will have both an adequate and satisfactory water supply and adequate and satisfactory sewage facilities. RCDOH must also review and approved all public water supply improvements, e.g., water main extensions, including those required to serve a proposed major subdivision. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

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

8. Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the New York State Guidelines for Urban Erosion and Sediment Control.

9. A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (August 2010) and local ordinances.
10. There shall be no net increase in the peak rate of discharge from the site at all design points.
11. The Rockland County Department of Planning requests the opportunity to review any variances that may be requested to implement the revised subdivision plan, as required by New York State General Municipal Law, Section 239 – m (3)(a)(v).
- 19.** Rockland County Department of Highways found the proposed project as submitted shall have a de minimis impact to county roads in the area.
- 20.** Rockland County Health Department (RCDOH) reviewed the plans and found the applicant must complete the following actions:
- a. Submit a formal application for Realty Subdivision Approval to RCDOH,
 - b. Application is to be made to RCDOH for a water main extension. This application is to be made through United Water New York, and
 - c. Separate application is to be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito Code.
- 21.** 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.
- 22.** Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, the site has been determined to be within the jurisdiction of the RCDA. Accordingly, a permit from the RCDA pursuant to the Rockland County Stream Control Act is required. Please have the applicant submit an application to RCDA immediately. Please be advised that Rockland County Stream Control Act, Chapter 846, required that all subdivision maps must be signed by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.
- In addition, a portion of the site appears to be located within mapped federal wetlands. The RCDA suggests that the U.S. Army Corps of Engineers be contacted and requested to make a jurisdictional determination regarding the proposed activity.
- 23.** The applicant shall apply to the New York State Department of Environmental Conservation for the needed permits as noted in the letter dated June 25, 2012.
- 24.** The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plats prior to signing the final plans.
- 25.** All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.
- 26.** 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 §21. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Subdivision Plan Approval pursuant to Town Code §21 and §6A.

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

- Town of Orangetown Zoning Board of Appeals
- Rockland County Drainage Agency
- Rockland County Health Department
- Town of Orangetown Zoning Board of Appeals

28. TREE PROTECTION: The following note shall be placed on the subdivision plan:

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

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

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

- One (1) foot radius from trunk per inch DBH.
- Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

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

29. All landscaping shown on the site 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.

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

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

32. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall

investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).

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

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

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

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

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

Dated: September 24, 2012
Town of Orangetown Planning Board

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

P B #12-37: Virginia Homes Subdivision Plan- Preliminary Approval
Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision
September 24, 2012

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: Virginia Homes Subdivision Plan- Preliminary Approval
Subject to Conditions/ Neg. Dec.

SEQR STATUS: Type I _____ Unlisted XXXXXX
CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: **Subdivision Plan Review**
LOCATION: The site is located on the south side of William Street at the intersection of William Street and Sparkill Avenue, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.08, Block 5, Lots 33.2 & 36 in the RG 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 #12-39: Quinn Subdivision Plan– 2nd 90 Day Extension Granted to File the Subdivision Plat

**Town of Orangetown Planning Board Decision
September 24, 2012**

TO: Donald Brenner, 4 Independence Avenue, Tappan,
New York 10983

FROM: Town of Orangetown Planning Board

RE: Quinn Subdivision: The application of Sean Quinn, owner, (Donald Brenner, attorney for the applicant) for the 2nd 90 day Extension to File the Subdivision Plan, for a subdivision to be known as "**Quinn Subdivision Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 3 Union Street, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.08, Block 5, Lot 48 in the CS – Mixed Use zoning district and Sparkill Hamlet Overlay Zone.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Monday, September 24, 2012**, at which time the Board made the following determinations:

Donald Brenner appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated September 19, 2012.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated September 24, 2012.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 20, 2012.

4. Copy of PB #12-34, 1st 90 Day Extension to File the Subdivision Plan, dated July 18, 2012 and PB #11-42, Final Site Plan Approval Subject to Conditions, dated September 14, 2011.

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

DECISION: In view of the foregoing, the Board GRANTED a 2nd 90 Day Extension in time to file the Quinn Subdivision with the Rockland County Clerk's Office, subject to the following Conditions:

1. A post construction stormwater maintenance agreement, in accordance with NYSDEC Phase II regulations for the proposed stormwater systems, shall be submitted to DEME and the Town Attorney's Office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc.

2. The applicant shall comply with all pertinent and applicable conditions of previous Board decisions: PB #11-42, Final Subdivision Approval Subject to Conditions, dated September 14, 2011 and PB #11-42, Final Site Plan Approval Subject to Conditions, dated September 14, 2011.

The foregoing Resolution was made and moved by Jeffrey Golda and seconded by William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, absent; Michael Mandel, aye; John Foody, absent; William Young, aye; Robert Dell, absent and Jeffrey Golda, 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 24, 2012
Town of Orangetown Planning Board

PB #12-43

Orangeburg Warehouse Facility- Recommended to the Town Board to Release the Performance Bond

Town of Orangetown Planning Board Decision

September 24, 2012

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TO: Geraldine Tortorella, Hocherman, Tortorella and Wekstein, LLP
One North Broadway, Suite 701, White Plains, New York

FROM: Orangetown Planning Board

RE: Orangeburg Warehouse Facility Performance Bond: The application of FB Orangetown LLC, owner for a Recommendation to the Town Board for Release of the Performance Bond at a site known as "Orangeburg Warehouse Facility Site Plan", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 2 Greenbush Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.15, Block 1, Lot 21 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Monday, September 24, 2012**, at which time the Board made the following determination:

The Board received the following communications:

1. A Project Review Committee Report dated September 19, 2012.
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 24, 2012.
3. Interdepartmental memorandum signed by Joseph Moran, P.E., Commissioner, dated September 20, 2012 and James Dean, Superintendent, dated September 21, 2012, Department of Environmental Management and Engineering, Town of Orangetown.
4. PB # 03-48, Recommendation to the Town Board to Establish Value of Performance Bond dated April 9, 2003, PB# 09-46, Denied Release of Performance Bond, dated September 16, 2009.

The Board reviewed the request.

PB #12-43

Orangeburg Warehouse Facility- Recommended to the Town Board to Release the Performance Bond

Town of Orangetown Planning Board Decision

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

RECOMMENDATION: In view of the foregoing, the Board Recommended to the Town Board to Release the Performance Bond.

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

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

Dated: September 24, 2012

Town of Orangetown Planning Board