

TOWN OF ORANGETOWN PLANNING BOARD
Meeting of Wednesday, June 30, 2021

MEMBERS PRESENT:

Thomas Warren, Chairman	Stephen Sweeney
Michael Mandel	Michael McCrory
Andrew Andrews	Robert Dell

MEMBER ABSENT: Bruce Bond (alternate) and William Young, Vice-Chairman

ALSO, PRESENT: Jane Slavin, Director, Office of Building, Zoning, Planning Administration and Enforcement; Robert Magrino, Town Attorney; Ann Marie Ambrose, Stenographer, and Cheryl Coopersmith, Chief Clerk Boards and Commissions

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

Chefman Site Plan	PB #21-35
Final Site Plan Review	Continued: Revise Plans
29 Corporate Drive, Pearl River	
73.19/1/8; LIO zoning district	

Fitzsimons Subdivision Plan	PB #21-36
Final Subdivision Plan Review	Final Subdivision Plan
315 Blauvelt Road, Pearl River	Approval Subject to
69.09/5/75; R-15 zoning district	Conditions

Hillside Commercial Park	PB #21-37
Amendment to Filed Site Plan	Continued: Revise
Prepreliminary/ Preliminary/	Plans
Final Review and SEQRA	
59 & 63 Hillside Avenue, Pearl River	
68.11, Block 3, Lots 39 & 40; in the LI zoning district	

Other Business: The Board reviewed and consented to the Town Board to be lead agency regarding the Zone Change Petition/ Special Permit; the Reserve at Pearl River, OP to PAC Zone Change; Section 73.10, Block 1, Lot 6. The Board had no further comments.

The decisions of the May 26, 2021 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Stephen Sweeney and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; William Young - Vice-Chairman, absent; Michael Mandel, aye; Stephen Sweeney, aye; Robert Dell, aye; Michael McCrory, aye; Bruce Bond, absent and Andrew Andrews, aye.

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The decisions of the June 9, 2021 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Stephen Sweeney and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; William Young - Vice-Chairman, absent; Michael Mandel, aye; Stephen Sweeney, aye; Robert Dell, aye; Michael McCrory, aye; Bruce Bond, absent and Andrew Andrews, aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Stephen Sweeney and seconded by Andrew Andrews and agreed to by all in attendance. The meeting was adjourned at 10:15 p.m. The next Planning Board meeting is scheduled for July 14, 2021.

DATED: June 30, 2021

Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown Planning Board



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TO: Frank Phillips, Phillips & Millman, 148 S. Liberty Drive, Stony Point, New York 10980
FROM: Orangetown Planning Board

RE: Fitzsimons Subdivision Plan: The application of Orla and Stephen Fitzsimons, owners for Final Subdivision Plan Review at a site to be known as "**Fitzsimons 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 315 Blauvelt Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map: Section 69.09, Block 5, Lot 75; in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, June 30, 2021**, the Board made the following determinations:

Frank Phillips, Stephen Fitzsimons and Anthony Brigano appeared and testified before the Board.

The Board received the following communications:

1. Project Review Committee Report dated June 16, 2021.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, AIA, Director, dated June 14, 2021.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., June 11, 2021.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated June 9, 2021.
5. Interdepartmental memorandum from the Office of Recreation & Parks, Town of Orangetown, signed by Aric Gorton, Superintendent dated June 14, 2021.
6. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated June 29, 2021.
7. A letter from Rockland County Department of Planning, from Arlene Miller, Principal Planner, dated April 11, 2019.
8. Letters from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer dated May 24, 2021.
9. Subdivision Plans prepared by Paul Gdanski, P.E.,
 - Sheet 1 of 2: Preliminary Plat, dated May 16, 2019, last revised December 26, 2019
 - Sheet 2 of 2: Grading, Utility & Soil Erosion, dated May 16, 2019, last revised October 16, 2020.
10. A Project Narrative prepared by applicant.

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11. Copies of the following Board Decisions: ACABOR #20-43, Approved Subject to Conditions, dated October 15, 2020; ZBA#19-109, Street Frontage Variance Approved, dated December 4, 2019 and PB#19-31, Preliminary Subdivision Plan Approval Subject to Conditions, dated July 31, 2019.

There being no one from the public, a motion was made to close the Public Hearing portion of the meeting by Michael Mandel and second by Andrew Andrews carried as follows: Thomas Warren – Chairman, aye; William Young, Vice-Chairman, absent; Andrew Andrews, aye; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, aye; Bruce Bond, absent and Robert Dell, aye.

Reaffirmation of SEQRA

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (a) 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 Michael Mandel and seconded by Stephen Sweeney and carried as follows: Thomas Warren – Chairman, aye; William Young, Vice-Chairman, absent; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, aye; Bruce Bond, absent and Robert Dell, 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 Paul Gdanski, P.E., 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, Rockland County Sewer District No.1, and having reviewed a proposed Subdivision plan by prepared by Paul Gdanski, P.E., summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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- 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 Michael McCrory and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; William Young, Vice-Chairman, absent; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, aye; Bruce Bond, absent and Robert Dell, 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 **Final Subdivision Plan Approval Subject to the Following Conditions:**

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

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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.
3. The applicant shall comply with all applicable and pertinent previous conditions of all Board Decisions: ACABOR #20-43, Approved Subject to Conditions, dated October 15, 2020; ZBA#19-109, Street Frontage Variance Approved, dated December 4, 2019 and PB#19-31, Preliminary Subdivision Plan Approval Subject to Conditions, dated July 31, 2019.
4. Per ACABOR #20-43, the applicant must return to the Town of Orangetown Architecture and Community Appearance Board of Review for review and approval of the house and site plans.
5. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained and the Final Subdivision plan is stamped by the Chief Clerk to the Board.
6. A road widening deed shall be prepared and submitted to DEMA and the Town of Orangetown Town Attorney's Office for review and approval.
7. In review of PB#21-36, the Town of Orangetown Park and Recreation Department recommends, pursuant to Orangetown Zoning Code Section 21-20.E., that the Planning Board waive the requirement of the reservation of parkland and condition approval on the payment of \$9,000.00 in lieu of parkland.
- 8. Drainage Review Recommendation – Brooker Engineering**
The Planning Board Drainage Consultant, Brooker Engineering found that the information provided demonstrates that potential significant adverse impacts with respect to drainage can be mitigated. Brooker Engineering therefore recommended that the Fitzsimons Subdivision be approved for drainage subject to the following Project Comments at this time.

Project Description

This is the fourth drainage review report for this project; the last review was dated July 31, 2019. The site is located on the north side of Blauvelt Road and contains an existing single-family home fronting on Blauvelt Road. The proposed new lot is a flag lot with the new lot in the rear of the property and a proposed driveway along the east property line. The site has a very flat slope, with a nominal downhill slope to the rear (north). At the time of the consultant's site visit in May 2019, the building envelope for the proposed lot was under construction with existing vegetation removed and disturbed soil evident. Standing water was evident throughout the grass back yard for Lot 1 and the disturbed area for proposed Lot 2. There is a landscaping berm along the east property line at tax lot 69.09-5-74.1 that directs concentrated stormwater runoff to the low point on Lot 2. For this submission, a drywell system has been proposed to mitigate potential increases in stormwater runoff.

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Continuation of Condition #8...

a soil percolation test and deep hole excavation was performed to assess the impact of the existing groundwater table with respect to the proposed drywell mitigation. Groundwater was observed at elevation 281.5 in the vicinity of the drywell gallery, which has a proposed bottom of stone elevation of 287.5. This is a suitable separation for the proposed design. The drywell system can function as designed without interference from groundwater; however, this shall be field verified during construction.

overflows from the drywell are directed north to the rear of the property. Previous submissions diverted the overflows to the storm drain system in Blauvelt Road. The Consultant notes that the backyard is a depression and overflows are directed to the north and west. The current plan leaves a portion of the depression along the northwest corner of the lot; overflows from the drywell are directed to this location.

The drywells are located within the new driveway. The drywells have access via a cover at the grade of the driveway. For ease of access for future maintenance by the homeowner, these shall not be paved over. **A map note shall be added that states that the drywells shall have access covers at grade and any modification of this requires site plan approval.**

Project Comments

- As per the July 11, 2019 and July 31, 2019 reports, for ease of inspection, the depth of the drywell from invert to bottom of top slab shall be provided.
- As per the July 31, 2019 report, the drainage subarea maps provided for this submission shall label the drainage area being conveyed to the drywell and the maps shall be to scale. The existing stormwater runoff east of the berm along tax lot 69.09-5-74.1 shall be evaluated. It appears the berm directs offsite runoff to the property and will enter the system.
- As per the July 31, 2019 report, the drywell overflow is directed to a low point contained in the applicant's property; this area will pond stormwater runoff from overflows before leaving the site. The drainage report shall acknowledge this condition and the grading plan shall label the on-site low point to remain. The drainage report shall include the loss of flood storage in this area and adjust the calculations with the appropriate factor of safety. **A map note shall be provided that the engineer of record shall certify the as-built construction is in conformance with the approved design and drainage pattern**
- **A map note shall be added that requires engineer's certification of the drywell installation and the depth to groundwater should be verified during construction.**

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9. Based on the information provided, the Rockland County Health Department found that should the Planning Board require a stormwater management system, application is to be made to RCDOH for review of the storm water management system for compliance with the County Mosquito Code.

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

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

12. 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.

13. 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.

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

15. 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.

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

17. If the applicant, during the course of construction of any required public improvements or private sanitary or storm sewer improvements, 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 (or the applicant's engineer) shall submit their recommendations as to the special treatment or design modification 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 (applicant's engineer's) recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's (applicant's engineer'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. Federal Wetlands - U.S. Army Corps of Engineers).

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

19. 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

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

The foregoing Resolution was made and moved by Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; William Young, Vice-Chairman, absent; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, aye; Bruce Bond, absent and Robert Dell, nay.

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: June 30, 2021
Cheryl Coopersmith, Chief Clerk Boards and Commissions
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