

TOWN OF ORANGETOWN PLANNING BOARD
Virtual Meeting of Wednesday, May 26, 2021

MEMBERS PRESENT:

Thomas Warren, Chairman	William Young, Vice-Chairman
Michael Mandel	Michael McCrory
Andrew Andrews	Stephen Sweeney
Bruce Bond (alternate)	Robert Dell

MEMBER ABSENT: None

ALSO, PRESENT: Jane Slavin, Director, Office of Building, Zoning, Planning Administration and Enforcement; Rick Pakola, Deputy Town Attorney; Cheryl Coopersmith, Chief Clerk Boards and Commissions

Thomas Warren, Chairman, called the virtual 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:

Continued item from May 12, 2021 Meeting

3 Tweed Boulevard Site Plan	PB #21-08
Critical Environmental Area	Final Site Plan
Prepreliminary/ Preliminary/ Final	Approval Subject
Site Plan and SEQRA Review	to Conditions/ Neg. Dec.
3 Tweed Boulevard, Upper Grandview	
71.05/1/22.4; R-22 zoning district	

New Items:

Rockland Country Club Site Plan	Continued:	PB #21-28
Prepreliminary/ Preliminary/	June 9, 2021	
Final Site Plan and SEQRA Review	Meeting	
597 Route 340, Sparkill		
78.09/1/ 24; R-80 zoning district		

Hyun Site Plan	Final Site Plan	PB #21-29
Critical Environmental Area	Approval Subject	
Final Site Plan Review	to Conditions/ Neg. Dec.	
161 Tweed Boulevard, Upper Grandview		
75.09/1/3; R-22 zoning district		

Fleck Site Plan	PB #21-30
Critical Environmental Area	Final Site Plan
Prepreliminary/ Preliminary/	Approval Subject
Final Site Plan	to Conditions/ Neg. Dec.
for Driveway Improvement Plan	
and SEQRA Review	
31 Shadyside Avenue, Upper Grandview	
71.05/1/36; R-22 zoning district	

Mauro Site Plan	PB #21- 31
Critical Environmental Area	Preliminary Site Plan
Prepreliminary/ Preliminary/	Approval Subject
Final Site Plan and SEQRA Review	to Conditions/ Neg. Dec.
1079 Route 9W, South Nyack	
71.09/1/8; R-22 zoning district	

TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN

May 26, 2021 Planning Board Meeting

Comito-Bight Site Plan
Critical Environmental Area
Prepreliminary/ Preliminary/
Final Site Plan and SEQRA/
455 South Broadway, Upper Grandview
71.05/2/12.2; RG zoning district

PB #21-32

**Preliminary Site Plan
Approval Subject
to Conditions/ Neg. Dec.**

Alatsas Site Plan
Prepreliminary/ Preliminary/
Final Site Plan and SEQRA Review
9 & 11 Bergen Avenue, Palisades
77.20/2/85 & 86; R-15 zoning district

PB #21-33

**Preliminary Site Plan
Approval Subject
to Conditions/ Neg. Dec.**

The decisions of the May 12, 2021 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel and seconded by Stephen Sweeney carried as follows: Thomas Warren – Chairman, aye; William Young - Vice-Chairman, aye; Michael Mandel, aye; Stephen Sweeney, aye; Robert Dell, aye; Michael McCrory, aye; Bruce Bond, abstain and Andrew Andrews, aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Michael Mandel and seconded by Andrew Andrews and agreed to by all in attendance. The meeting was adjourned at 10:20 p.m. The next Planning Board meeting is scheduled for June 9, 2021.

DATED: May 26, 2021

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

TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN

**PB #21-08: 3 Tweed Boulevard Site Plan
Critical Environmental Area
Final Site Plan Approval Subject
to Conditions/ Neg. Dec.**

Permit # 50783

**Town of Orangetown Planning Board Decision
May 26, 2021
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**TO: Katie Anders, Cool Pool, 85 Pascack Road, Nanuet, New York
109540**

FROM: Orangetown Planning Board

RE: 3 Tweed Boulevard Site Plan: The application of Katie Anders, Cool Pools, applicant for Paul McLoughin, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site known as “3 Tweed Boulevard 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 in the Hawks View Subdivision, located in the Critical Environmental Area, 3 Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lot 22.4 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at virtual meetings held **Wednesday, February 10, May 12 and May 26, 2021**, the Board made the following determinations:

February 10, 2021:

Katie Anders appeared and testified.

The Board received the following communications:

1. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, Director, dated February 8, 2021.
2. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated February 9, 2021.
3. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated February 10, 2021.
4. Letters from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated January 20, 2021 and Michael Kezner, dated January 13, 2021.
5. Letter from the Rockland County Highway Department, signed by Dyan Rajasingham, P.E., dated January 11, 2021.
6. Letter from Rockland County Sewer District, signed by Joseph LaFiandra, Engineer II, dated February 5, 2021.
7. A Short Environmental Assessment Form, signed by Katie Anders, dated December 4, 2020.
8. Plans prepared by Thomas Skrable, PE, dated December 4, 2020.
9. Color Renderings of the site noting the pool.
10. Building Permit Referral dated November 5, 2020 signed by Rick Oliver, Building Inspector.

TOWN PLANNING OFFICE

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TOWN OF ORANGETOWN

**PB #21-08: 3 Tweed Boulevard Site Plan
Critical Environmental Area
Final Site Plan Approval Subject
to Conditions/ Neg. Dec.**

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**Town of Orangetown Planning Board Decision
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The Board reviewed the plans. The hearing was then opened to the Public.

The applicant requested a **CONTINUATION**.

May 12, 2021

Katie Anders appeared and testified.

The Board received the following communications:

1. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, Director, dated April 30, 2021.
2. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated April 16, 2021.
3. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated May 4, 2021.
4. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated May 11, 2021.
5. Notice from the Rockland County Division of Environmental Resources, signed by Allan Beers, dated April 12, 2021.
6. Plans prepared by Thomas Skrable, PE, dated March 31, 2020.

The Board reviewed the plans. The hearing was then opened to the Public.

The applicant requested a **CONTINUATION**.

May 26, 2021

Katie Anders, Paul Gdanski and Paul McLoughlin appeared and testified.

The Board received the following communications, all read into the record at the prior two meetings of February 10 and May 12, 2021:

1. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, Director, dated February 8 and April 30, 2021.
2. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated February 9 and April 16, 2021.
3. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated May 4, 2021.
4. Letters from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated February 10 and May 11, 2021.

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TOWN OF ORANGETOWN

**PB #21-08: 3 Tweed Boulevard Site Plan
Critical Environmental Area
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5. Letters from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated January 20, 2021 and Michael Kezner, dated January 13, 2021.
6. Letter from the Rockland County Highway Department, signed by Dyan Rajasingham, P.E., dated January 11, 2021.
7. Letter from Rockland County Sewer District, signed by Joseph LaFiandra, Engineer II, dated February 5, 2021.
8. A Short Environmental Assessment Form, signed by Katie Anders, dated December 4, 2020.
9. Plans prepared by Thomas Skrable, PE, dated May 13, 2020, and revised May 21, 2021.

The Board reviewed the plans. The hearing was then opened to the Public.

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

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 Andrew Andrews and seconded by Michael Mandel and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Bruce Bond, abstain; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, aye, and Mike McCrory, 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.

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TOWN OF ORANGETOWN
PLANNING BOARD

**Town of Orangetown Planning Board Decision
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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 Thomas Skrable, PE, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The 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: Rockland County Highway Department, Rockland County Department of Planning, Rockland County Sewer District No. 1, and having reviewed proposed Site Plan 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.

TOWN CLERK'S OFFICE
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TOWN OF ORANGETOWN

**PB #21-08: 3 Tweed Boulevard Site Plan
Critical Environmental Area
Final Site Plan Approval Subject
to Conditions/ Neg. Dec.**

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On motion by Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Bruce Bond, abstain; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, aye, and Mike McCrory 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 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. 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 plan shall include the dimensions of the proposed patio.
4. The applicant must provide drainage calculations per items number 1 & 2 of the Town of Orangetown Department of Environmental Management and Engineering's letters dated February 9 and April 16, 2021.
5. The Short Environmental Assessment Form appears to be in order.
6. 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 Site Plan is stamped by the Chief Clerk to the Board.
7. Drainage calculations shall be submitted for review and approval, signed and sealed by the applicant's engineer.

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8. The drainage calculations shall indicate the runoff rate for the 100-year storm used to determine the seepage pit/ drywell size.
9. The test pit locations for the soil borings, perc tests and determination of groundwater elevations shall be placed on the drawings.
10. The detail for the proposed seepage pit states that that it is a 1000-gallon pit but the notes in parentheses under the title states that it is a 2586-gallon pit. This discrepancy shall be corrected.
11. Because the location of the proposed drywell has moved generally south from the last submission, the applicant's engineer shall consider tying in the overflow from the existing drywell system into the new drywell/ new drywell overflow/ level spreader system.
12. All proposed SESC Features (inlet filter, hay bale, etc.) shall be shown, in their proposed locations, on the SESC drawings.
13. The legend provided shall include proposed items (e.g. SESC features, new pope symbols, etc.)
14. A post construction stormwater maintenance agreement, in accordance with NYSDEC Phase II regulations, for the existing and proposed seepage pits/ drywells, overflow pipes and level spreaders shall be submitted to DEME and the Orangetown Town Attorney's Office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with a telephone number, yearly report to be submitted to DEME, etc.
15. **Drainage Review Recommendation – Brooker Engineering**
The application has provided sufficient information to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated. Brooker Engineering, the Planning Board Drainage Consultant, therefore recommends that the 3 Tweed Boulevard Site Plan be approved for drainage subject to the following Project Comments.

Project Description

This is the second drainage review report for this project; the last review was dated February 10, 2021. The property is located on east side of Tweed Boulevard; land slopes down-hill to the east toward the rear of the property. The project consists of the construction of a pool, and pool patio with associated pool

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**Town of Orangetown Planning Board Decision
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Continuation of Condition #15...

amenities – equipment pad and fencing located in the rear yard. Stormwater management facilities are proposed in the form of a perimeter drain around the patio and an additional drywell in the rear yard.

Project Comments

1. The modified rational method only provides storage for 1.76 inches of rainfall over the new impervious area. Use a different method, i.e., Westchester Method, to provide additional storage to adequately mitigate increases in stormwater runoff.
2. Show the effective drywell depth of 4.83 feet from the calculations on the drywell detail. Show the invert of stone and drywell bottom on the detail.
3. Clearly show the limits of the new perimeter drain on the site plan. Show the grading for the uphill finished grade on the east side of the drain. Add a yard drain at the southern end of the perimeter drain.
4. Verify soil percolation rate and depth to groundwater table at the location of the new drywell.
5. Provide additional contours and/or spot elevations demonstrating stormwater flows are directed away from the dwelling and towards the proposed perimeter drain.

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

- As per their letter of January 11, 2021, a right of way permit must be obtained from the Rockland County Department of Highways prior to the start of construction at the site.
- A review must be done by the Rockland County Department of Health, any comment or concerns addressed, and any required permits obtained.
- A review must be completed by the Palisades Interstate Park Commission and any raised concerns addressed.
- A review must be completed by the County of Rockland Division of Environmental Resources and any concerns addressed.
- Since the parcel is located in a Critical Environmental Area, a review shall be completed by the New York State Department of Environmental Conservation and all required permits obtained.
- Prior to any 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.

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**Town of Orangetown Planning Board Decision
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Continuation of Condition #16...

- There shall be no net increase in the peak rate of discharge from the site at all design points.
- A full Bulk Table shall be provided to ensure the proposed construction complies with all bulk standards of the R-22 zoning district.

17. The Rockland County Highway Department of reviewed the submitted information and offered the following comment:

- A right of way permit shall be obtained from the Rockland County Highway Department prior to starting any construction activities in the site, if the request is approved by the Town.

18. 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.

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

- Rockland County Sewer District No. 1
- Rockland County Planning Department
- Rockland County Highway Department
- Town of Orangetown Zoning Board of Appeals

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

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

22. 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:

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Continuation of Condition #22...

- 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.

23. 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.

24. 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.

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

26. 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).

Town of Orangetown Planning Board Decision
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27. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.

28. 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

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

30. 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 Michael Mandel and seconded by William Young, Vice-Chairman and carried as follows:
Thomas Warren - Chairman, aye; William Young - Vice Chairman, aye;
Bruce Bond, abstain; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, aye, and Mike McCrory.

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: May 26, 2021
Cheryl Coopersmith
Chief Clerk Boards and Commissions
attachment

TOWN OF ORANGETOWN
2021 JUL -1 P 1:47
TOWN CLERK'S OFFICE

**NEGATIVE DECLARATION
Notice of Determination of Non-Significance
Town of Orangetown Planning Board Decision**

**3 Tweed Boulevard Site Plan
Critical Environmental Area
Final Site Plan Approval Subject
to Conditions/ Neg. Dec.
Town of Orangetown Planning Board Decision
May 26, 2021**

Permit # 50783

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.

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

**DESCRIPTION OF ACTION: 3 Tweed Boulevard Site Plan – Critical
Environmental Area**

LOCATION: The site is located in the Hawks View Subdivision, 3 Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lot 22.4 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 action. The proposed action is consistent with the Town of Orangetown's Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

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

For Further Information contact:

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

ENVIRONMENTAL CONTROL

**PB #21-29: Hyun Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit #49477

**Town of Orangetown Planning Board Decision
May 26, 2021
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TO: Mikyong Hyun, 139 Washington Spring Road, Palisades, New York
FROM: Orangetown Planning Board

RE: Hyun Site Plan: The application of Mikyong Hyun, owner, for Final Site Plan Review at a site located in the Critical Environmental Area. The Site is known as "Hyun 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 161 Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 75.09, Block 1, Lot 3; in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held **Wednesday, May 26, 2021**, at which time the Board made the following determination:

Mikyong Hyun, Chul Hyun, Michael Esmay and Dennis Letson appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated May 19, 2021.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, RA, Director, dated May 18, 2021.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated May 10, 2021.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated May 14, 2021.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated May 25, 2021.
6. Letters from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated April 16 and April 30, 2021.
7. Letter from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated April 26, 2021.
8. Hydraulic Analysis and Stormwater Management Design Report prepared by Dennis Letson PE & Associates, dated January 20, 2020, revised March 24, 2021.
9. Survey of Property Plan prepared by Jay Greenwell, PLS, dated August 5, 2019, revised January 30, 2020.
10. Copies of the following Board Decisions: ACABOR #21-16, Approved as Presented, dated May 6, 2021; ZBA #20-54, Variances for Floor Area Ratio, Front Yard, Rear Yard, and Building Height Approved, dated September 2, 2020 and PB #20-07, Preliminary Site Plan Approval Subject to Conditions, date June 24, 2020.

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PLANNING BOARD

**PB #21-29: Hyun Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit #49477

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11. Slope Category Map prepared by Jay Greenwell, PLS, dated August 5, 2019, revised August 26, 2019.
12. Retaining Wall Plan & Details prepared by Dennis Letson, PE. Dated January 12, 2021.
13. Architectural Plans prepared by Michael Esmay, RA., October 21, 2019, last dated March 21, 2021:
 - Drawing 1: Location Map
 - Drawing 2: Details

The Board reviewed the plans. The hearing was opened to the Public.

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

DECISION: In view of the foregoing and the testimony before the Board, the application was granted **Final Site Plan Approval Subject to the Following Conditions:**

1. The 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. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.
4. 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, the Final Site Plan is stamped by the Chief Clerk to the Board and the construction plans are reviewed and approved by the Inspector.

2021 JUN -1 P 1:48
TOWN OF ORANGETOWN

**PB #21-29: Hyun Site Plan
Critical Environmental Area
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**Town of Orangetown Planning Board Decision
May 26, 2021
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5. The applicant shall comply with all previous and ACABOR #21-16, Approved as Presented, dated May 6, 2021; ZBA #20-54, Variances for Floor Area Ratio, Front Yard, Rear Yard, and Building Height Approved, dated September 2, 2020 and PB #20-07, Preliminary Site Plan Approval Subject to Conditions, date June 24, 2020.
6. The Project Review Committee recommends that the Perc Test must be repeated and witnessed by a Town of Orangetown Engineer from DEME.
7. All proposed grading shall be shown on the plans.
8. A post construction stormwater maintenance agreement shall be submitted to DEME and the Orangetown Town Attorney's Office for review and approval. Once approved, the maintenance plan shall be made part of the site plan approval and attached as an amendment or schedule to the deed for the new lot.
9. The applicant's engineer shall double check the layout of the proposed basin. In looking at the more detailed plan and profile view, supplied in the hydraulic analysis, it appears the basin may leak at the locations where the "side" retaining walls stop and the 2:1 slope sidewall start. The retaining walls are 2 feet high at their ends and are at least 6 inches-to a foot thick, (although this dimensions not given in any of the views.) By contrast, the natural side slope wall needs to stretch back 4 feet in order to achieve the 2-foot height requirement. This means there is a gap at where the retain wall end and side slopes start. This shall be corrected.
10. The hydraulic analysis is under review. However, the report mentions failed perc tests but the test results were not included in the report. The perc test results shall be added to the calculations. Also, some of the pages are too light to read. A legible copy of updated calculations shall be supplied.
11. The hydraulic analysis shall include a table comparing the existing impervious areas – broken out by each area (house, driveway, etc.) to the proposed impervious areas, broken out to each area. A total for each shall be added to the table. The calculations shall show how the required 275 CF of basin volume was derived and how the net increase of new impervious area is being handled/ contained by the proposed basin. Currently, all of the proposed driveway runoff bypasses the basin. Lastly, if the pond is to indeed act as detention basin, routing calculations for the undrain must be provided, including determination of its diameter as well as impacts from point source undrain into existing swale.
12. The calculation shall include sizing calculations utilized to determine the size of the proposed asphalt swale and analysis of increased flow impacts into existing swale along Tweed Boulevard that the swale will create.

TOWN OF ORANGETOWN
PLANNING BOARD
2021 JUN 1 10:00 AM
TOWN ENGINEER

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13. A Blow up of the proposed surface detention basin plan view shall be added to the drawings. Also, a detail for the proposed connection of the 4-inch drain line into the basin shall be added to the drawings.

14. DEME strongly recommends that the storm drainage design be shown on the survey plan for ease of review due to scale of Architectural drawings.

15. A construction entrance shall be added to the SESC Drawings and details.

16. Profiles for all proposed drainage piping shall be added to the drawings.

17. Drainage Review Recommendation – Brooker Engineering

The proposed action has provided drainage information that demonstrates that potential significant adverse impacts with respect to drainage can be mitigated. The Planning Board's Drainage Consultant, Brooker Engineering therefore recommends that the Hyun Site Plan be approved for drainage subject to the following project comments.

Project Description

This is the third drainage review report for this application; the last review was dated June 21, 2020. The property is located at 161 Tweed Boulevard, which is on the east side of Tweed Boulevard. Stormwater runoff flows downhill to the east. There is an existing single-family dwelling on the property in disrepair. The driveway slopes toward Tweed Boulevard and there is a bridge connecting the driveway to the home. There is a swale near the southern side of the property and a stormwater outfall from the Tweed Boulevard drainage system along the south side of the property.

There is a proposed building addition in the front of the house to replace the ramp and connect the existing house to the driveway. The driveway is being reconfigured and additional decks are proposed in the rear of the house and addition. Stormwater drywells are proposed along the south side of the house to provide stormwater runoff mitigation. The hydraulic analysis and stormwater management design provides the required volume of stormwater detention required for mitigation.

Project Comments

1. Include the part plan detail for the stormwater management basin from the drainage report on Site Plan Drawing 2.
2. Show the footing drains for the basement and retaining walls and show the front door trench drain outlet. Label the pipe conveying the runoff from the roof addition to the basin, and add a map note that all roof leaders from the addition are to be directed to the detention basin.

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TOWN OF ORANGETOWN

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Continuation of Condition #18...

- A review must be completed by the New York-New Jersey Trail conference and any concerns addressed.
- Prior to the start of construction or grading, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- Retaining walls that are over 4 feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer. In addition, retaining walls visible from an arterial street or highway shall be screened by vegetation or faced with wood, stone, or other earth colored materials that blend with the surrounding natural landscape.
- The Rockland County Department of Planning requests the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239m (3)(a)(v).

19. Rockland County Highway Department (RCHD) reviewed the submitted plans and offered the following comments:

- The RCHD has no intention to own or maintain any private load bearing structures in the County Right of Way. The maintenance responsibility shall be clearly defined.
- The applicant shall make sure that the existing/proposed drainage system is adequately designed to produce no net increase in the peak rate of discharge from the site at all design points.
- A road work permit shall be obtained from the RCHD prior to starting construction in the site.

20. The Rockland County Department of Health (RCDOH) reviewed the information and offered the following comment;

- If the proposal is to be amended to increase the number of bedrooms, the existing septic system will need modifications. Engineered plans will need to be submitted to RCDOH for review and approval prior to a building permit being issued. If the number of bedrooms is to remain the same, no modification of the existing system will be necessary.
- Application is to be made to the Rockland County Department of Health for review of the system for compliance with the County Mosquito Code.

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21. The Village of Piermont Building Department requested that the applicant obtain a Piermont Building Permit application for the decks on this project which are located on the tax map in the Village of Piermont.

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

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

24. 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.

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

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Continuation of Condition #25...

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.

26. 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.

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 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).

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

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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, signs and refuse control.

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

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: May 26, 2021
Cheryl Coopersmith
Chief Clerk Boards and Commissions



TOWN OF ORANGETOWN
2021 JUL -1 P 1:48
TOWN CLERK'S OFFICE

**State Environmental Quality Review Regulations
NEGATIVE DECLARATION**

**Notice of Determination of Non-Significance
PB #21-29: Hyun Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit #49477

**Town of Orangetown Planning Board Decision
May 26, 2021**

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: Hyun Site Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review – Critical Environmental Area

LOCATION: The site is located at 161 Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 75.09, Block 1, Lot 3; 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 action. The proposed action is consistent with the Town of Orangetown 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:

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

84:1 d 1-788 1307
MAY 26 2021

**PB #21-30: Fleck Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #51098

**Town of Orangetown Planning Board Decision
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**TO: Kier Levesque, 49 3rd Avenue, Nyack, New York
FROM: Orangetown Planning Board**

RE: Fleck Site Plan - Critical Environmental Area:

The application of William Fleck, owner, for a Prepreliminary/ Preliminary/ Final Site Plan Review at a site known as "**Fleck 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 at 31 Shadyside Avenue, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lot 36; in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held **Wednesday, May 26, 2021** at which time the Board made the following determinations:

Kier Levesque appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated May 19, 2021.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated May 18, 2021.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated May 26, 2021.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated May 14, 2021.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated May 24, 2021.
6. Letters from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated April 16, 2021 and Michael Kezner, dated April 13, 2021.
7. Letter from the Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated April 29, 2021.
8. Notices from Rockland County Highway Department, signed by Dyan Rajasingham, dated April 12, 2021.
9. Letters from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chair, dated April 7, 2021.

TOWN CLERK'S OFFICE
2021 JUL - 1 P 1:48
TOWN OF ORANGETOWN

**PB #21-30: Fleck Site Plan
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10. A Narrative Summary, prepared by Kier Levesque Architect, dated March 2, 2021.
11. A Short Environmental Assessment Form signed by Kier Levesque, Architect, dated March 4, 2021.
12. A copy of the Building Permit Referral dated February 11, 2021, prepared by Rick Oliver, Building Inspector.
13. Site Plan prepared by Paul Gdanski, PE, dated April 9, 2020, last revised March 28, 2021.

The Board reviewed the plans. The hearing was opened to the Public.

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 and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye; Bruce Bond, abstain; Robert Dell, aye; Stephen Sweeney, aye, and Michael McCrory, aye.

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 Andrew Andrews and second by William Young- Vice Chairman and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Bruce Bond, abstain; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, aye, and Michael McCrory, 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, and having heard from the following offices, officials and/or

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TOWN ENGINEER

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Departments: (Town of Orangetown): 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 Highway, Rockland County Department of Planning, and Rockland County Sewer District #1 and having reviewed the drawings presented by the applicant's professional consultant; Paul Gdanski, PE, 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 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 second by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye; Bruce Bond, abstain; Robert Dell, aye; Stephen Sweeney, aye, and Michael McCrory, 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 **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. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.
4. The scale indicated on the plan is shown at 1"=30', however the actual drawing scales at 1"=20'. Please revise.
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 Site Plan is stamped by the Chief Clerk to the Board.
6. The applicant's attorney shall prepare a hold-harmless agreement that runs with the property that states that if the Town of Orangetown Sewer Department is to ever replace, repair or dig up for any reason, the existing Town owned sanitary main inside the existing Town owned Sanitary Sewer Easement, within which the parking area and retaining wall have been built, the Town shall NOT be responsible to repair or replace the parking area and/ or retaining wall. The specific language shall be coordinated between the applicant's attorney, the Town of Orangetown Town Attorney and DEME. The final agreement shall be submitted to the Town Attorney's Office and DEME for review and approval.

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7. A note shall be added to the drawing stating that the owner of the property/ applicant shall not perform anymore construction within the Town of Orangetown Sewer easement.

8. The proposed seepage pit/ drywell is too close to the existing 5-foot wide private sanitary sewer easement, along the northern property line. The drywell shall be relocated so that no part of it is within the existing 5-foot easement. Also, the applicant's engineer shall consider using a trench drain to capture the equivalent runoff so the drywell could be more easily moved away from the easement.

9. The applicant's engineer shall specify whether the perc rate listed in the drainage calculations is assumed or based on a field test. If assumed, a Filed Perc Test, soil analysis and depth of groundwater determination shall be administered prior to receiving **Final Approval** for the site plan, to ensure the adequacy of the designed drainage system. The applicant/ applicant's engineer shall notify DEME of said field tests at least 48-hours prior to the test taking place, in order to schedule inspection. The applicant's engineer shall provide a copy of the certified field tests to DEME and the Building Department.

10. The drainage calculations shall be prepared and submitted on separate 8½x 11 sheets. Said revised calculations shall include required field tests.

11. Drainage Review Recommendation – Brooker Engineering

The proposed action has provided sufficient analysis to demonstrate potential significant increases in stormwater runoff can be mitigated. Brooker Engineering, the Planning Board's Drainage Consultant, therefore recommends that the Fleck Driveway Site Plan be approved for drainage subject to the following comments.

Project Description

This is the first drainage review report for this project. The property is located on the west side of Shadyside Avenue Road; stormwater runoff from the site flows downhill to the east. The site contains a single-family home and other site improvements. The proposed project consists of the 620 square feet driveway expansion for parking along the flat portion of the driveway. A drywell is proposed along in the driveway to mitigate increases in stormwater runoff from the driveway expansion.

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PLANNING BOARD
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Neg. Dec.**

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Continuation of Condition #11...

Project Comments

1. Provide an existing conditions plan, a legend, and a graphic scale on the Site Plan.
 2. Show proposed grading at the driveway expansion.
 3. Provide a drainage narrative with drainage area maps showing the subareas directed to the drywells for existing and proposed conditions.
 4. The Site Plan shall clearly demonstrate how the limits of the 620 square feet of new impervious area will be directed to the drywell.
 5. Line 6 of the drainage calculations shall correct the description of the calculation that includes the height of the drywell.
 6. Verify the 6'-0" diameter of drywell as inside or outside diameter.
- 12.** Rockland County Department of Planning reviewed the submitted information and held that the proposed project will have no adverse impacts on any County-wide interests, and remanded the item for local determination.
- 13.** 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 no future correspondence is requested for this site.
- 14.** 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 Highway
 - Rockland County Department of Planning
 - Rockland County Sewer District #1
 - Town of Orangetown Zoning Board of Appeals
- 15.** The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans and Board Decisions prior to signing the final plans.
- 16.** All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
- 17.** 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.

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TOWN OF ORANGETOWN
PLANNING BOARD OFFICE

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

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

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

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

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

19. 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.

20. 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.

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TOWN OF ORANGETOWN
TOWN CLERK'S OFFICE

**PB #21-30: Fleck Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #51098

**Town of Orangetown Planning Board Decision
May 26, 2021
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21. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.

22. 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).

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

24. 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

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

The foregoing Resolution was made and moved by Andrew Andrews and second by Michael Mandel and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Michael McCrory, aye; Robert Dell, aye; Stephen Sweeney, aye; Bruce Bond, abstain, and Andrew Andrews, 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: May 26, 2021
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Attachment

TOWN OF ORANGETOWN
2021 JUL -1 P 1:49
TOWN CLERK'S OFFICE

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

**PB #21-30: Fleck Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions
Neg. Dec.
Town of Orangetown Planning Board Decision
May 26, 2021**

Permit #51098

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: Fleck Site Plan- Critical Environmental Area
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

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

DESCRIPTION OF ACTION: Site Plan Review in the Critical Environmental Area

LOCATION: The site is located at 31 Shadyside Avenue, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lot 36; 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 action. The proposed action is consistent with the Town of Orangetown 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:

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

TOWN OF ORANGETOWN
PLANNING BOARD
MAY 26 2021
1 - 700 1202

Town of Orangetown Planning Board Decision

May 26, 2021

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TO: Antimo Del Vecchio, Beattie Padovano, 200 Market Street,
Suite 401, Montvale, New Jersey 07645

FROM: Orangetown Planning Board

RE: **Mauro Site Plan – Critical Environmental Area:** The application of Michael Mauro, owner, for Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review at a site known as “**Mauro 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 at 1079 Route 9W, South Nyack in the Critical Environmental Area, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 8 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held **Wednesday, May 26, 2021**, the Board made the following determinations:

Antimo Del Vecchio appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated May 19, 2021.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, Director, dated May 18, 2021.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 10, 2021.
4. Letters from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated May 4 and May 13, 2021.
5. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated May 14, 2021.
6. Letters from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated April 30, 2021 and Michael Kezner, dated May 21, 2021.
7. Letter and notice from the Rockland County Health Department, signed by Elizabeth Mello, P.E., dated May 24, 2021.
8. Notice from the Rockland County Highway Department, signed by Dyan Rajasingham, P.E., dated May 5, 2021.
9. Letter from Rockland County Sewer District, signed by Joseph LaFiandra, Engineer II, dated April 30, 2021.

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10. Letters from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated May 5, 2021.
110. A Short Environmental Assessment Form, signed by Michael Mauro, dated march 22, 2021.
12. Seepage Pit Design Report, prepared by Azzolina & Feury Engineering (. dated December 18, 2020.
13. Dry Well Design prepared by Azzolina & Feury Engineering, dated December 18, 2020, revised May 7, 2020, with attachments prepared by AFR
 - Boundary Survey Map with Limited Topography, dated August 10, 2020,
 - Site Plan, dated December 18, 2020, last revised May 7, 2021
14. Site Plan prepared by Azzolina & Feury Engineering, dated December 18, 2020.
15. Letter from Azzolina & Feury Engineering, dated May 18, 2021; deep test pit and percolation test results, prepared by Craig Dominick, PE.
16. Architectural Plan prepared by Joseph Bruno, AIA, dated February 10, 2021.
17. Building Permit Referral dated March 8, 2021 signed by Rick Oliver, Building Inspector.

The Board reviewed the plans. The hearing was then opened to the Public.

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

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (al) 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, Vice Chairman and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Bruce Bond, abstain; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, aye, and Mike McCrory, aye the Board declared itself Lead Agency.

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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 Azzolina & Feury Engineering and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The 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: Rockland County Highway Department, Town of Orangetown Zoning Board of Appeals, Rockland County Department of Planning, Rockland County Sewer District No. 1, and having reviewed proposed Site Plan by prepared by Azzolina & Feury Engineering 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;

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**Town of Orangetown Planning Board Decision
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- 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- Vice Chairman and seconded by Andrew Andrews carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Bruce Bond, abstain; Michael Mandel, nay; Andrew Andrews, aye; Robert Dell, nay; Stephen Sweeney, aye, and Mike McCrory, 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 **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 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.
3. 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, the Final Site Plan is stamped by the Chief Clerk to the Board and the construction plans are reviewed and approved by the Inspector.
4. The existing undersized lot, section 5.12 applies. Minimum side yard required is 20' with 13.3' proposed and minimum total side yard required is 40' with 39.6' proposed, variance required from the Town of Orangetown Zoning Board of Appeals.
5. The Short Environmental Assessment Form must be revised as follows;
 - a) Number 2 – shall be "YES" building permit required.
 - b) Number 14 – Suburban shall be circled.

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5. Drainage calculations, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval. The required calculations/ subsurface detention system shall demonstrate and achieve a zero increase in runoff from the proposed site.

6. Soil borings, perc test and determination of groundwater elevation shall be performed at the subsurface detention system location. These tests shall be performed **PRIOR** to this proposal receiving **Final Approval** to ensure the adequacy of the proposed design. This information shall be added to the drainage calculations. The tests shall be performed in the spring when the ground water table is typically at its highest. DEME shall be notified a minimum of 48 hours prior to these tests.

7. It appears from the drawings that not all of the proposed new impervious areas drain to the subsurface detention system. The applicant's engineer shall verify and demonstrate in the drainage calculations, that the net total increase in impervious area is being captured/ stored by the proposed subsurface detention system.

8. Profiles for all proposed drainage piping/ facilities shall be added to the plans.

9. An overflow shall be designed and depicted for the proposed drywell system, including a level spreader or equal energy dissipating device.

10. The existing septic system or sanitary house connection location shall be shown on the plan.

11. A construction entrance shall be added to the erosion control plan.

12. The proposed silt fence shall be reinforced with hay bales. A detail for same shall be provided.

13. The soil stockpile shall be labeled on the site plan.

14. The Soil erosion and sediment control symbols shall conform to NYSDEC standards. Also, all of the proposed SESC features shall be added to the legend.

15. A note shall be added to the Site Plan, indicating the source benchmark for the referenced datum, including the BM elevation.

16. 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 Orangetown Town Attorney's Office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with a telephone number, yearly report to be submitted to DEME, etc.

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Town of Orangetown Planning Board Decision

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17. Drainage Review Recommendation – Brooker Engineering

The proposed action has provided sufficient analysis to demonstrate potential significant increases in stormwater runoff can be mitigated. Brooker Engineering, the Planning Board's Drainage Consultant therefore recommends that the Mauro Site Plan be approved for drainage subject to the following project comments.

Project Description

This is the second drainage review report for this project; the last review was dated May 4, 2021. The property is located on the east side of Route 9W; the land slopes downhill to the east. The proposed work includes a garage addition on the south side of the existing structure, new decks on the east side of the structure, and new walks on the west and north sides of the structure. Portions of the existing driveway are being removed; there is a net increase in impervious area of 568 square feet. There is a drywell proposed east of the garage to receive increases in stormwater runoff from the new garage. For this submission, drainage calculations have been provided that show the new seepage pit can store the entire 24 hour, 100-year rainfall over the new impervious areas.

Project Comments

1. Include an existing condition plan in the Site Plan set.
2. Show the rim of the drywell flush the proposed grade. Show a field inlet grate.
3. Provide a detail for the proposed field inlet. Verify the pipe outlet will be below grade at the low side of the retaining wall. Add cleanouts where pipes are at angles.
4. Provide percolation test results on the site plan at the location of the proposed drywell. Verify separation to the groundwater table.
5. Add rim and invert elevations for the drywell detail. Provide maintenance requirements and schedule.

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

- A review must be completed by the New York State Department of Transportation, any concerns addressed and all required permits obtained.
- The Village of Grand View-on-Hudson is one of the reasons this proposal was referred to Rockland County Department of Planning. The municipal boundary is along the eastern border of the site. As required under Section 239nn of the State General Municipal Law, the villages must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Town of Orangetown.
- A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.

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**Town of Orangetown Planning Board Decision
May 26, 2021
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Continuation of Condition #18...

- Since the parcel is located in a Critical Environmental Area, a review shall be completed by the New York State Department of Environmental Conservation and all required permits obtained.
- Prior to any 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.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- The Rockland County Department of Planning requests the opportunity to review the variances that are needed to implement the proposed site plan, as required by NYS General Municipal Law, Section 239—m(3)(a)(v).
- Retaining walls that are over 4 feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer. In addition, retaining walls visible from an arterial street or highway shall be screened by vegetation or faced with wood, stone, or other earth colored materials that blend with the surrounding natural landscape.

19. The Rockland County Department of Health (RCDOH) reviewed the submitted information and provided the following comments:

- A detailed plan with existing sewage and water utilities is to be submitted for review to verify if the property is served by public utilities. If there is an onsite well and/or septic system, the location(s) must be shown to verify that there will be no impact to the system(s) as a result of the proposed additions.
- Application is to be made to the RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.

20. 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.

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

- Rockland County Sewer District No. 1
- Rockland County Highway Department
- Rockland County Department of Planning
- Rockland County Department of Health
- Town of Orangetown Zoning Board of Appeals

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

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

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

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

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

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

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

25. 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.

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TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision
May 26, 2021
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32. 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 William Young- Vice Chairman and seconded by Andrew Andrews and carried as follows:
Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye;
Bruce Bond, abstain; Michael Mandel, nay; Andrew Andrews, aye; Robert Dell, nay; Stephen Sweeney, aye, and Mike McCrory, 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: May 26, 2021

Cheryl Coopersmith
Chief Clerk Boards and Commissions
attachment

TOWN OF ORANGETOWN
2021 JUL -1 P 1:49
TOWN CLERK'S OFFICE

**NEGATIVE DECLARATION
Notice of Determination of Non-Significance
Town of Orangetown Planning Board Decision**

**PB#21- 31: Mauro Site Plan
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.**

Permit # 51183

**Town of Orangetown Planning Board Decision
May 26, 2021**

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: Mauro Site Plan Preliminary Site Plan Approval Subject to Conditions – Critical Environmental Area

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

DESCRIPTION OF ACTION: Site Plan Review – Critical Environmental Area

Location: The site is located at 1079 Route 9W, South Nyack in the Critical Environmental Area, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 8 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 action. The proposed action is consistent with the Town of Orangetown's Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

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

For Further Information contact:

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

30 MAY 2021 10:01 AM
TOWN OF ORANGETOWN
PLANNING BOARD

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,

**PB#21-32: Comito-Bight Site Plan
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.**

Permit # 51067

**Town of Orangetown Planning Board Decision
May 26, 2021
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**TO: Dylen Comito, 87 Sixth Avenue, Nyack, New York 10960
FROM: Orangetown Planning Board**

RE: Comito-Bight Site Plan – Critical Environmental Area: The application of Marc Comito, applicant, for Comito Homes, owner, for Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review at a site to be known as “Comito-Bight 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 at 455 South Broadway, Upper Grandview, in the Critical Environmental Area, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 2, Lot 12.2 in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held **Wednesday, May 26, 2021**, the Board made the following determinations:

Jay Greenwell, Marc Comito and Robert Knoebel appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated May 19, 2021.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, Director, dated March 29 & May 18, 2021.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 26 & May 10, 2021.
4. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated May 24, 2021.
5. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated March 26, 2021.
6. Letters from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated March 18, 2021 and Michael Kezner, dated March 12, 2021.
7. Notices from the Rockland County Highway Department, signed by Dyan Rajasingham, P.E., dated March 12, 2021.
8. A letter from Rockland County Sewer District, signed by Joseph LaFiandra, Engineer II, dated March 25, 2021.
9. Letter and notice from the Village of Grand View-on-Hudson, signed by Julie Pagliaroli, Village Clerk/Treasurer, dated March 18, 2021.

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TOWN OF ORANGETOWN
PLANNING BOARD OFFICE

**Town of Orangetown Planning Board Decision
May 26, 2021
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10. Letter from the New York State Department of Transportation, signed by Stephen DeMassio, PE, Action Resident Engineer, dated March 15, 2021.
11. Email from Orange and Rockland Utilities dated March 15, 2021 from Alfred Gaddi, PE, Principal Engineer.
12. Notices from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated March 17, 2021.
13. A Short Environmental Assessment Form, signed by Marc Comito, dated February 12, 2021, revised May 19, 2021.
14. Project Narrative prepared by Jay Greenwell, PLS, dated April 29, 2021.
15. Site Plan prepared by Jay Greenwell, PLS and Paul Gdanski, PE dated January 20, 2021, last revised April 29, 2021.
16. Landscape Plan prepared by Yost Design, dated February 4, 2021, last revised May 3, 2021.
17. Architectural Plan prepared by Kier Levesque, RA, dated January 29, 2021:
 - A-1: Foundation Plan
 - A-2: First and Second Floor Plans
 - A-3: Elevations
18. Building Permit Referral dated February 2, 2021 signed by Rick Oliver, Building Inspector.

The Board reviewed the plans. The hearing was then opened to the Public.

Public Comment:

Greg Pato, 457 South Broadway, raised concerns regarding access to the property. He noted that on an old survey, access to the project site was through his property.

There being no one else from the Public, a motion was made to close the Public Hearing portion of the meeting by Andrew Andrews and seconded by Michael Mandel and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Bruce Bond, abstain; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, aye, and Mike McCrory, 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- Vice Chairman and seconded by Michael McCrory and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Bruce Bond, abstain; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, aye, and Mike McCrory, aye the Board declared itself Lead Agency.

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**Town of Orangetown Planning Board Decision
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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 Paul Gdanski, PE and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The 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: Rockland County Highway Department, Town of Orangetown Zoning Board of Appeals, Rockland County Department of Planning, Rockland County Sewer District No. 1, Village of Grand View-On-Hudson, and having reviewed proposed Site Plan 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;

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- 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 Andrew Andrews and seconded by William Young- Vice Chairman and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Bruce Bond, abstain; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, aye, and Mike McCrory, 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 **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 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.
3. Per Article VI, section 6.332, maximum grade of residential driveways is not to exceed 10%, with 25% proposed and Street Frontage required is 75' with 12' proposed. Variances are required from the Town of Orangetown Zoning Board of Appeals.
4. A 280-A variances is required from the Town of Orangetown Zoning Board of Appeals.
5. The application shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
6. Item number 7 of the Short Environmental Assessment Form shall be answered "YES."

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7. The drainage calculations are currently under review by DEME. However, the applicant's engineer shall specify whether the Perc Rate given in the supplied drainage calculations (dated 2-18-21) is assumed or based upon a field survey. If the perc rate is assumed, a Field Perc Test shall be administered at the subsurface detention system location in the spring or the fall, when the groundwater table is typically at its highest. This test shall be performed **PRIOR** to this proposal receiving **Final Approval** for Site Plan, to ensure the adequacy of the designed drainage system. DEME shall be notified at least 48 hours prior to this test to allow for inspection. The applicant's engineer shall provide a copy of the field perc test results to DEME and the Building Department for review and approval.

8. In connection with condition #7 above, soil borings and determination of groundwater elevations shall be performed at the subsurface detention system location. These tests shall also be performed **PRIOR** to this proposal receiving **Final Approval** to ensure the adequacy of the proposed design. This information shall be added to the drainage calculations. The tests shall be performed in the spring or fall when the ground water table is typically at its highest. DEME shall be notified at least 48 hours prior to this test to allow for inspection.

9. The proposed regrading over the existing Orangetown owned 60- inch CMP drainage pipe, in the Town easement is steep. At the proposed extension of Bight Lane/ driveway entrance, it is at 25%. This is unacceptable. The applicant's engineer shall redesign this area.

10. A profile for the proposed regrading, over the existing 60-inch CMP drainage line, within the Town of Orangetown Storm sewer easement, shall be added to the plans.

11. Note #21 on the revised drawing references and additional easement, to fully encompass the Town owned existing 60-inch CMP drainage line. It is unclear as to why there is a not for this item. The drawing(s) shall depict an easement extension, to fully encompass the pipe/ manhole, that are outside of the current easement. The metes and bounds of this easement shall be added to the drawings.

12. The applicant's attorney/ surveyor shall prepare a written easement for the drainage easement expansion required in comment #11 above. Said easement documents shall be provided to the Town of Orangetown Town Attorney's Office and DEME for review and approval.

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13. Given the shallow depth of the existing 24-inch RCP running west to east along the northern property line and the proposed regrading, installation of curbing, driveway and trench drain at elevations from ± 46.9 to ± 48 that is proposed to take place over said drainage line at the north east corner of the property, a couple of cross sections of this area shall be added to the drawings. These sections shall include, but not be limited to, existing grading, proposed grading, existing 24-inch CMP, existing sanitary main, existing 60- inch CMO, proposed trench drain, proposed curbing, proposed driveway, proposed water line, etc.

14. The applicant's surveyor's transmittal letter of April 29, 2021 indicates that the drainage design is intending to use the proposed driveway trench drain as an overflow for the proposed subsurface stormwater system. This is unacceptable. IF the trench drain was to act as an overflow for the drywells, it would create an unsafe and unwanted sheet flow onto Bight Avenue and possibly the neighboring properties. Also, if this were to happen in the winter, it could potentially crete a large icing condition on a road that is already at 12% grade, again unacceptable. The drywells shall have a separate overflow pipe, added to the drawings and drywell detail.

15. Profiles for all drainage piping shall be added to the drawing.

16. The drawings currently show a proposed sanitary house connection crossing the existing 60 CMP drainage line within 4.8 inches – top of 60 CMO to bottom of 6-inch PVC (\pm - means it could actually be closer.) This is unacceptable. There shall be a minimum separation distance of 18-inches between the top of 60-inch corrugated metal drainage piping and the 6-inch PVC sanitary house connection. The 18-inch separation requirement is for any and all utilities the proposed sanitary house connection may need to cross. DEME recommends that the applicant field verify the tops and inverts of all of the existing utilities that the proposed sanitary house connection will have to cross in order to design the connection properly.

17. A profile for the proposed sanitary house connection shall be added to the drawings. This profile shall show any and all utilities the proposed house connection will cross.

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18. A private sanitary house connection is shown running across the western portion of the property. The ownership of this line shall be added to the drawings. A note on the plan indicates that this house connection may be relocated. A plan and profile for any proposed relocation shall be added to the drawings as part of this site plan application. As stated in comment #16 above, there shall be a minimum separation distance of 18-inches between the relocated sanitary house connection and any other utility. Lastly, an easement shall be prepared by the applicant's attorney/ surveyor to the benefit of the owner of the sanitary house connection. The easement shall be submitted for review and approval by the Town of Orangetown Town Attorney's Office and DEME prior to filing.

19. Note #22 on the site plan shall be revised to include the relocated existing sanitary house connection.

20. A driveway profile shall be added to the plans, beginning at the regrading in Bight Lane and ending at the proposed home.

21. A portion of the re-grading of Bight Lane and the proposed soil erosion and sediment control features are within the Village of Grand View-on-Hudson. Written approval from the Village shall be obtained PRIOR to receiving Final approval. Also, copies of all correspondence with the Village shall be submitted to the Planning Board and DEME.

22. A post construction stormwater maintenance agreement for the proposed stormwater system shall be submitted to DEME and the Orangetown Town Attorney's Office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with a telephone number, yearly report to be submitted to DEME, etc.

23. There shall be no construction within 5 feet of the property line with the exception of the driveway; which shall be dimensioned out on the Site Plan.

24. Drainage Review Recommendation – Brooker Engineering

The proposed action has provided sufficient analysis to demonstrate potential significant increases in stormwater runoff can be mitigated. Brooker Engineering, the Planning Board Drainage Consultant, therefore recommends that the Comito-Bight Site Plan be approved for drainage subject to the following Project Comments.

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Continuation of Condition #24...

Project Description

This is the first drainage review report for this project. The property is located on the west side of River Road, at the end of Bight Lane. Stormwater runoff from the site flows downhill to the east. The site is undeveloped and the proposed project consists of the construction of a new single-family residence and driveway.

Drywells are proposed along the eastern property line to mitigate increases in stormwater runoff from the new house.

Project Comments

1. Relocate the drywells further away from the property line. As proposed, the system will have an invert of elevation 41.5 and the existing grade is elevation 49 at the property line. The 7.5 feet cut along the property line may not be feasible without negatively impacting the neighboring property.
2. Show the overflow path from the drywells. It must be demonstrated that overflows from the drywells will not result in point sources of runoff that negatively impact the neighboring property.
3. Revise the grading in the rear of the proposed house to show positive drainage away from the building.
4. Include drainage area maps for existing and proposed conditions showing the areas that are to be directed to the drywells. Evaluate the potential for uphill off-site areas to enter the drywells.
5. Add top and bottom of wall elevations for the proposed wall around the driveway.
6. A part plan at a larger scale shall be added at the northeast corner of the property to demonstrate the proposed utility house connections can be constructed within a 12 feet wide right-of-way that already contains existing 60-inch diameter and 24-inch diameter storm drainage pipes in a Town of Orangetown easement. In particular, the construction of the new water service line adjacent to or above a municipal storm drainage pipe needs to be shown in more detail, including profiles.
7. Line 6 of the drainage calculations shall correct the description of the calculation that includes the height of the drywell.

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

- The Village of Grand View-on-Hudson is one of the reasons this proposal was referred to Rockland County Department of Planning. The municipal boundary is along the eastern border of the site. As required under Section 239nn of the State General Municipal Law, the villages must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Town of Orangetown.
- A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.
- Prior to any 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.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- The Rockland County Department of Planning requests the opportunity to review the variances that are needed to implement the proposed site plan, as required by NYS General Municipal Law, Section 239—m(3)(a)(v).

26. 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.

27. The Village of Grand View-on-Hudson reviewed the submitted information and offered the following comments:

- It appears on the county mapping (map 71.22) that this property does not have access to Bight Lane.
- The Village of Grand View-on-Hudson would like to have a copy of the proposed drainage system so that the Village Engineer can determine if there will be any water impacts onto Village property.
- Please supply the Village with a site plan showing the size of the property, bulk Tables, etc.

28. The New York State Department of Transportation review the submitted information and found that the project does not have direct impact to the

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**Town of Orangetown Planning Board Decision
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29. Orange and Rockland Utilities (O&R) reviewed the submitted plans and offered the following comments:

O&R have existing services feeding the following addresses

- 449, 453 & 457 South Broadway
- 10, 11 & 12 Ferris Lane
- 3 Bight Lane.

The developer shall contact O&R's new business department for service terminations and relocations prior to the work. All code 753 rules must be followed.

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

- Rockland County Sewer District No. 1
- Rockland County Planning
- Rockland County Highway Department
- Town of Orangetown Zoning Board of Appeals
- Rockland County Department of Planning
- Village of Grand View-On-Hudson

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

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

33. 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:

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Continuation of Condition #33...

- 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.

34. 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.

35. 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.

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

37. 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).

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

39. 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 DEMA 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

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

41. 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 Michael Mandel and seconded by William Young- Vice Chairman and carried as follows:
Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye;
Bruce Bond, abstain; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, aye, and Mike McCrory, 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: May 26, 2021

Cheryl Coopersmith
Chief Clerk Boards and Commissions
Attachment

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**NEGATIVE DECLARATION
Notice of Determination of Non-Significance
Town of Orangetown Planning Board Decision**

**PB#21-32: Comito-Bight Site Plan
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.**

Permit # 51067

**Town of Orangetown Planning Board Decision
May 26, 2021**

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: Comito-Bight Site Plan Preliminary Site Plan Approval Subject to Conditions – Critical Environmental Area

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

DESCRIPTION OF ACTION: Site Plan Review – Critical Environmental Area

Location: The site is located at 455 South Broadway, Upper Grandview, in the Critical Environmental Area, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 2, Lot 12.2 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 action. The proposed action is consistent with the Town of Orangetown's Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

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

For Further Information contact:

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,

**PB #21-33: Alatsas Site Plan
Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

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

RE: Alatsas Site Plan: The application of George Alatsas, applicant, for Sheila Prisco-Case, Executor for owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site to be known as "**Alatsas 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 at 9 & 11 Bergen Avenue, Palisades, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.20, Block 2, Lots 85 & 86 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held **Wednesday, May 26, 2021**, the Board made the following determinations:

Jay Greenwell and George Alatsas appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated May 19, 2021.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement (OBZPAE), Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated May 18, 2021.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., May 10, 2021.
4. Letter from Maser Consulting, signed by Jesse Cokeley, PE., dated February 24, 2021.
5. Letter from Rockland County Department of Planning, from Arlene Miller, Principal Planner, dated January 29, 2021.
6. Notice from Rockland County Department of Highway, signed by Dyan Rajasingham, Engineer III, dated May 6, 2021.
7. Letter and notice from Rockland County Department of Health, signed by Elizabeth Mello, PE, dated May 24, 2021
8. Email from Orange and Rockland Utilities from Alfred Gaddi, PE, dated May 4, 2021.
9. Notices from the Town of Orangetown Zoning Board of Appeals signed by Dan Sullivan, Chair, dated May 5, 2021.
10. Project Summary prepared by Jay Greenwell, PLS, dated April 14, 2021.
11. A Short Environmental Assessment Form signed by George Alatsas, dated April 12, 2021.

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**PB #21-33: Alatsas Site Plan
Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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12. Letter from Lauren Lucanera, property owner, dated April 16, 2021.
13. Copy of PB#21-12, Alatsas Final Resubdivision Plan Approval Subject to Conditions, dated February 24, 2021.
14. Site Plan of Land for Alatsas dated April 12, 2021:
 - Sheet 1 of 2: Site Plan
 - Sheet 2 of 2: Detail Sheet
15. Architectural Plans prepared by John Perkins, RA, dated November 16, 2020, last revised April 3, 2021:
 - Sheet 1 of 2: Floor Plans
 - Sheet 2 of 2: Elevations
16. Email from Murickolil & Aleykutty Eappen, received May 26, 2021.
17. Email from Terence Foxe & Helena Power, 152 Park Avenue, received May 25, 2021.

The Board reviewed the plan. The meeting was open to the public.

Public Comment:

Terry Fox, 152 Park Avenue, raised concerns that all of the houses in the area are on wells and the project site is on an undedicated road. The existing lots are wet and the removal of trees will only increase the drainage impact to the area. He also noted that there are no houses in the neighborhood that touch his lot that are 3,000 square feet.

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

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 Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; William Young - Vice Chairman, aye; Michael Mandel, aye; Robert Dell, aye; Michael McCrory, aye; Bruce Bond, abstain; Andrew Andrews, aye; and Stephen Sweeney, aye, the Board declared itself Lead Agency.

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**PB #21-33: Alatsas Site Plan
Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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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 Highway, Rockland County Sewer District No.1, , and having reviewed a proposed 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;

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- 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 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 Andrew Andrews and seconded by William Young- Vice Chairman and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, nay; Robert Dell, nay; Michael McCrory, nay; Bruce Bond, abstain; Andrew Andrews, aye; and Stephen Sweeney, 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 **Preliminary Site 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."
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. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.

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4. Per table 3.12, R-15 district, Group M the following Bulk variances are required from the Town of Orangetown Zoning Board of Appeals;

- Column 4, maximum floor area ratio is 20% with 30% proposed.
- Column 5, minimum lot area required is 15,000 square feet with 10,000 square feet proposed;
- Column 11, minimum rear yard required is 35 feet with 26.5' feet proposed

5. Per Chapter 43, Article V, section 5.21(f); *"If two or more adjoining lots are substandard by the regulations of this code and were in single ownership on July 29, 1965, the total parcel of land shall then be subject to regulations as a mean average of those bulk and area dimensions of existing lots within 500 feet on both sides of the street and on both sides of the site in question. In no case shall the building be larger than if the lot were conforming to the zoning district regulations."* Town assessor records show that the two lots were in the same ownership in 1965, a variance is required.

6. A 280A variance is required from the Town of Orangetown Zoning Board of appeals for as the lot fronts along an unimproved road.

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

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

9. The applicant shall research the possibility of connecting the proposed sanitary house connection to the sanitary main on Scotti Avenue.

10. The drainage calculations provided are under review. However, because the Perc Rate is assumed, soil borings, perc tests and determination of groundwater elevations shall be performed at the subsurface detention system location. These tests shall be performed **PRIOR** to this proposal receiving **Final Approval** to ensure the adequacy of the proposed design. This information shall be added to the drainage calculations. The tests shall be performed in the spring or fall when the ground water table is typically at its highest. DEME shall be notified 48 hours prior to these tests so they can be witnessed.

11. (Sizing, calculations for proposed 12-inch DIP replacement pipe under Bergen Avenue) The existing 15 CMP drainage pipe, currently just south of the existing macadam pavement in Bergen Avenue, has an invert on the east side of 38.7 This means that the top of the pipe is at ±39.95. The spot elevation shown at the southernmost end of the existing macadam pavement in Bergen Avenue is listed at 39.5. This in turn means that the top of pipe is higher than the existing pavement and will be higher than the proposed extension. The applicant's engineer shall redesign this drainage crossing in order to allow vehicular crossing of the drainage line. The engineer shall also provide calculations for sizing the replacement piping. The calculations shall include the year storm the new pipe shall carry.

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12. Flared end sections and riprap at both end of the proposed new drainage crossing under Bergen Avenue.

13. Profiles for all proposed drainage piping facilities are required and shall be added to the plans.

14. A profile, that shows all existing underground utilities, for the proposed Bergen Avenue Roadway extension shall be added to the plans.

15. A profile for the proposed sanitary house connection shall be added to the plans.

16. Details, including elevations for the proposed drywell system shall be added to the drawings. Also, an overflow shall be designed and depicted for the proposed drywell system.

17. A note shall be added to the site plan stating that "No sanitary connections in the basement of the proposed home. This includes but is not limited to Toilets, showers, sinks, slop/utility sinks, floor drains, clothes washers, dish washer, etc."

18. A post construction stormwater maintenance agreement for the proposed stormwater systems shall be submitted to DEMA and the Orangetown Town Attorney's Office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with a telephone number, yearly report to be submitted to DEMA, etc.

19. The Town of Orangetown Bureau of Fire Prevention reviewed the plans and offered the following comments:

- Driveway should be at least 12' wide.
- Driveway shall be designed to support fire apparatus in all weather conditions.

20. The Drainage Consultant to the Planning Board, Maser Consulting reviewed the application and found that overall, the proposed stormwater management plan meets the intent of the regulations, and therefore, Maser Consulting recommends the Resubdivision of Land for Alatsas be approved for drainage subject to the following project comments.

1. Based on the plans that were submitted, the applicant intends to treat stormwater runoff through the installation of two (2) underground drywells in a gravel bed.

- a. Details shall be provided for the proposed drywells.
- b. Details for the inlet grates on the drywells shall also be provided.
- c. A Zero Net increase study shall be provided for review.
- d. Elevations for the drywells shall be provided.
- e. Infiltration testing shall be performed at the location of the drywells

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Continuation of Condition #20...

2. While the roof drains are shown connecting to the drywells, the footing drain discharges off the southwest corner of the property in the right-of-way for Bergen Avenue. Is this permissible by the Town?

3. There is a proposed trench drain in the proposed driveway at the property line which appears to discharge to the drywells, again, elevations shall be provided to confirm. What is the plan for stormwater mitigation for the portion of the driveway/roadway area within Bergen Avenue?

4. 50' separation from the proposed well to the proposed drywell gravel bed is depicted on the plans. Please include separation distance to any neighboring wells.

5. Behind the building only has two spot elevations shown, 40.4 and 40.5 and they are about 40 feet apart. This would be too flat and additional grading information shall be provided to ensure adequate drainage exists around the rear and sides of the property.

6. Silt fence is being shown installed across existing gravel area in Bergen Avenue but will that gravel area be removed?

7. Are there any erosion control measures proposed for the proposed utility trenching that will be needed going north in Bergen Avenue? Has the neighbor been informed that their driveway will be disturbed for this trenching

21. The Rockland County Department of Health (RCDOH) reviewed the information and offered the following comments:

A permit for the proposed well will need to be obtained from the RCDOH. Application is to be made to RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.

22. Orange and Rockland Utilities (O&R) reviewed the information and noted that O&R does not have a gas service feeding the property.

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 Highways
- Rockland County Department of Health
- Town of Orangetown Zoning Board of Appeals

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

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

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28. 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.

29. 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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30. 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.

31. 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.

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

33. 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).

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

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

The foregoing Resolution was made and moved by William Young, Vice-Chairman and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; William Young, Vice-Chairman, aye; Michael Mandel nay; Andrew Andrews, aye; Bruce Bond, abstain; Stephen Sweeney, aye; Robert Dell, nay and Mike McCrory, 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: May 26, 2021
Cheryl Coopersmith
Town of Orangetown Planning Board
attachment



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

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

DESCRIPTION OF ACTION: Site Plan

LOCATION: The site is located at 9 & 11 Bergen Avenue, Palisades, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 7 7.20, Block 2, Lots 85 & 86 in the R-15 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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, Town Supervisor, Applicant, Involved Agencies

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