

**February 23, 2022
Planning Board**

**Ferrante Site Plan
Critical Environmental Area**
Prepreliminary/ Preliminary/
Final Site Plan Review
and Reaffirmation of SEQRA
1031 Route 9W, Upper Grandview
71.09/1/17; R-22 zoning district

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

PB #22-10

Databank Site Plan Consultation
2000 Corporate Drive, Orangeburg
73.15/1/19 ; LIO zoning district

Consultation

PB #22-11

The decisions of the February 9, 2022 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Andrew Andrews and seconded by Michael McCrory and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, aye; Michael Mandel, aye; Stephen Sweeney, absent; Kevin Farry, abstain; Michael McCrory, aye; Lisa DeFeciani, 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 Stephen Sweeney and seconded by Andrew Andrews and agreed to by all in attendance. The meeting was adjourned at 11:30 p.m. The next Planning Board meeting is scheduled for March 9, 2022.

DATED: February 23, 2022



TOWN OF ORANGETOWN
2022 MAR 11 A 10:08
TOWN CLERK'S OFFICE

**PB #22-07: Sansone Subdivision Plan
Recommendation to the Town Board
to Establish Value and Term of Performance Bond**

**Town of Orangetown Planning Board Decision
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TO: Steven Griffin, 1 Roundhouse Road, Piermont,, New York
FROM: Town of Orangetown Planning Board

RE: Sansone Subdivision Plan: The application of Steven Griffin, owner, for a Recommendation to the Town Board to Establish the Value and Term of a Performance Bond for a site to be known as “**Sansone Subdivision Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 and Chapter 21 of the Code of the Town of Orangetown. The site is located at 483 Kings Highway, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section; 74.20, Block 3, Lot 5; in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, February 23, 2022**, at which time the Board made the following determinations:

Stephen Griffin appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated February 9, 2022.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated February 22, 2022.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 31, 2022.
4. Copy of PB#21-17, Final Subdivision Plan Approval Subject to Conditions, dated March 10, 2021.
5. Emails from Dan Long, dated February 22 and 23, 2022.
6. Email from Kyle Weiss, dated February 23, 2022.

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

Daniel Long, 3 Haring Avenue, Sparkill; read the Town Code and requested clarification regarding the action before the Board.

James Sauter, 6 Haring Avenue, Sparkill; raised concerns regarding the “no comment” memo to the Planning Board, and was looking for the Traffic Advisory Board comments

There being no one 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 Denise Lenihan and carried as follows: Thomas Warren - Chairman, absent; Denise Lenihan, aye; Michael Mandel, aye; Kevin Farry, aye; Michael McCrory, aye; Andrew Andrews, aye; Stephen Sweeney, aye, and Lisa DeFeciani, aye.

A motion was made to reopen the Public comment by Michael McCrory and second by Andrew Andrews and carried as follows: Thomas Warren - Chairman, absent; Denise Lenihan, aye; Michael Mandel, aye; Kevin Farry, aye; Michael McCrory, aye; Andrew Andrews, aye; Stephen Sweeney, aye, and Lisa DeFeciani, aye.

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**PB #22-07: Sansone Subdivision Plan
 Recommendation to the Town Board
 to Establish Value and Term of Performance Bond**

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A motion was made to close the Public comment by Andrew Andrews and section by Denise Lenihan and carried as follows: Thomas Warren - Chairman, absent; Denise Lenihan, aye; Michael Mandel, aye; Kevin Farry, aye; Michael McCrory, aye; Andrew Andrews, aye; Stephen Sweeney, aye, and Lisa DeFeciani, aye.

RECOMMENDATION: In view of the foregoing, the Planning Board Recommends to the Town of Orangetown Town Board that the value and term of the Performance Bond be established in accordance with the Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 31, 2022.

The term of the Performance Bond shall not exceed two (2) years as set forth in Section 21A-10 of the Town of Orangetown Town Code, which shall be on or before February 23, 2024, subject to the following conditions:

1. OBZPAE has no comment regarding the performance bond as recommended by DEME.
2. 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 construction plans are reviewed and approved by the inspector.
3. DEME's bonding requirements for the Sansone Subdivision are as follows:

ITEM	
Monumentation	\$ 2,100.00
Iron Pins	1,800.00
Driveway openings	60.00
As-Builts	1,800.00
Storm sewers	11,750.00
Soil Erosion and Sediment Control	46,900.00
Sanitary Sewers	8,550.00
Sub-Total	\$ 72,960.00
Administrative Close -out (20% of Sub-Total)	14,592.00
Total Bond	\$ 87,552.00
Inspection Fee: (3% of Sub-Total of original Bond amount)	\$ 2,188.80

Further, all bonds are to conform to current town regulations.

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**PB #22-07: Sansone Subdivision Plan
Recommendation to the Town Board
to Establish Value and Term of Performance Bond**

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The foregoing Resolution was made and moved by Andrew Andrews and second by Denise Lenihan and carried as follows: Thomas Warren - Chairman, absent; Denise Lenihan, aye; Michael Mandel, aye; Kevin Farry, aye; Michael McCrory, aye; Andrew Andrews, aye; Stephen Sweeney, absent, and Lisa DeFeciani, aye.

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

**Dated: February 23, 2022
Town of Orangetown Planning Board**



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**TO: Donald Brenner, 4 Independence Drive, Tappan, New York
FROM: Orangetown Planning Board**

RE: The Reserve at Pearl River Site Plan: The application of the Reserve at Pearl River, LLC, applicant, for Hunter Douglas, Inc., owner, for Prepreliminary/ Preliminary/ Final Site Plan at a site to be known as “**The Reserve at Pearl River 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 Blue Hill Plaza, Veterans Memorial Drive, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.10, Block 1, Lot 6 in the OP/PAC zoning districts.

Heard by the Planning Board of the Town of Orangetown at a **virtual meeting held February 9 and an in-person meeting held February 23, 2022** at which time the Board made the following determinations:

February 9, 2022

Diego Villareale and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Report dated February 9, 2022.
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 February 4 revised February 7, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated February 7, 2022.
4. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated February 9, 2022.
6. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated January 21, 2022.
7. Letter from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated January 26, 2022.
8. Letter from Rockland County Sewer District No. 1, dated January 13, 2022, signed by Joseph LaFiandra, Engineer II.
9. Email from Orange & Rockland Utilities dated January 10, 2022 from Alfred Gaddi.
10. Notice from the Town of Orangetown Zoning Board of Appeals, signed by Tricia Castelli, dated January 5, 2022.
11. Notice from Suez signed by William Prehoda, dated January 5, 2022.
12. Project Narrative
13. Short Environmental Assessment Form signed by Diego Villareale, Associate Principal, JMC, dated November 17, 2021.

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14. Building Permit Referral to the Planning Board dated August 31, 2021 signed by Rick Oliver, Building Inspector.

15. Civil Plans prepared by JMC Consulting, dated October 29, 2021, last revised December 24, 2021;

- C-000: Cover Sheet
- C-101: Existing Conditions
- C-100: Overall Layout Plan
- C-110: Layout Plan
- C-200: Grading Plan
- C-210: Road Profiles
- C-300: Utility Plan
- C-400: Erosion and Sediment Control Plan
- C-500: Landscape Plan
- C-600: Lighting Plan
- C-700: Basin Blowup, Profile and Cross Sections
- C-900: Construction Details
- C-901: Construction Details
- C-902: Construction Details
- C-903: Construction Details
- C-904: Construction Details
- C-905: Suez Specification Details
- FA-1: Firetruck Access Plan

16. Architectural Plans prepared by Mino & Wasco Architects and Planners, dated November 22, 2021:

- C-01: Cover Sheet
- A-01: Architectural Site Plan
- A-02: Basement Floor Plan Type A
- A-03: Ground Floor Plan Type A
- A-04: Second floor Plan Type A
- A-05: Building Elevations Type A
- A-06: Basement Floor Plan Type B
- A-07: Ground Floor Plan Type B
- A-08: Second floor Plan Type B
- A-09: Building Elevations Type B
- A-10: Typical Unit Plans
- A-11 Clubhouse Floor Plan
- A-12 Clubhouse Floor Elevations

The Board reviewed the plans and referred the application to the Town Board for review.

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**PB#22-06: The Reserve at Pearl River Site Plan Permit #50255
Preliminary Site Plan Approval Subject to Conditions**

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

The applicant requested a **CONTINUATION** to the February 23, 2022 Planning Board Meeting.

February 23, 2022

Donald Brenner and Diego Villareale appeared and testified.

The Board received the following:

1. A copy of Town Board Resolution No. 80, dated February 15, 2022, with an attachment of a memorandum to the Orangetown Town Board from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated February 15, 2022.

Public Comment:

Brian Quinn, attorney for abutting property owner, discussed the easement to the site. He requested a traffic study be performed.

Vanessa Lapin, Orangetown resident; raised concerns regarding traffic, limiting the chemicals at the site, density and affordability of the proposed development.

There being no one else from the Public, a motion was made to close the Public Hearing portion of the meeting by Michael McCrory and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, absent; Denise Lenihan, aye; Michael Mandel, aye; Kevin Farry, aye; Michael McCrory, aye; Andrew Andrews, aye; Stephen Sweeney, absent, and Lisa DeFeciani, aye.

SEQRA

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 Andrew Andrews and seconded by Denise Lenihan and carried as follows: Thomas Warren - Chairman, absent; Denise Lenihan, aye; Michael Mandel, aye; Kevin Farry, aye; Michael McCrory, aye; Andrew Andrews, aye; Stephen Sweeney, absent, and Lisa DeFeciani, 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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**PB#22-06: The Reserve at Pearl River Site Plan Permit #50255
Preliminary Site Plan Approval Subject to Conditions**

**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, and having heard from the following offices, officials and/or 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 Sewer District #1, Rockland County Drainage Agency and having reviewed the drawings presented by the applicant's professional consultants; a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

On motion by Michael Mandel and seconded by Lisa DeFeciani and carried as follows: Thomas Warren - Chairman, absent; Denise Lenihan, aye; Michael Mandel, aye; Kevin Farry, aye; Michael McCrory, aye; Andrew Andrews, aye; Stephen Sweeney, absent, and Lisa DeFeciani, aye, the Board made a Negative Declaration pursuant to SEQRA.

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**PB#22-06: The Reserve at Pearl River Site Plan Permit #50255
Preliminary Site Plan Approval Subject to Conditions**

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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. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant petitioned and received a zone change from the Town Board on July 13, 2021.
4. The LEAF, Part 1, chart B, items a, b and c must be updated to indicate the actual Town Board application date and approval, the actual Planning Board application date and a projected Zoning Board date.
5. Please note that the current LEAF, dated 11-17-2021, conflicts with the LEAF dated 3-8-2021 submitted as Part of the Zone Change application to the Town Board as follows;

- a) Page 3 of 13, item D.1, b (b) total acreage to be physically disturbed was indicated as 12.3 and is now indicated 11.75 acres. Which is correct?
- b) Page 8 of 13, item D.2, m, NO shall be checked.
- c) Page 9 of 13, item E.1 (b) the following items conflict
 - I. Roads, buildings and other paved or impervious surfaces, 4.85 acres was originally stated and 5.01 acres is now indicated.
 - II. Forested areas 16.28 acres/-6.10 acres originally stated and 10.83 acres/-11.75 acres now indicated.
 - III. Meadows, grasslands or brushlands 1.25 acres originally stated with 6.74 acres now indicated.

The applicant must explain the discrepancies and revise the LEAF accordingly.

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Continuation of Condition #5...

- 1.) Per Chapter 43, Article IV, Section 4.6 Planning Adult Community (PAC) floating Zone:

4.69 A Lot and Bulk Controls

Table 1, Other sites:

Maximum Height	2 stories or 35 feet
• <i>Three stories are proposed -Variance required for number of stories.</i>	
Side Yard	100 feet required
• <i>50 feet proposed variance required.</i>	
Total Side Yard	200 feet required
• <i>194 feet proposed variance required.</i>	

4.610. Additional Requirements

E.

Buffer areas shall include existing vegetation and supplemental plantings. No structures, parking areas or roadways shall be located within a required buffer other than access drives to and from the site.

- A portion of the dog run and fencing is shown in the buffer area, applicant should rotate the dog run to avoid the buffer area.

4.612 Procedures

D. (1)

No site development plan or subdivision plat shall receive preliminary approval by the Planning Board, unless the plat or plan proposed for such approval shall first have been referred back to the Town Board for its review, and the Town Board shall have adopted a resolution evidencing the fact that the proposed plat or plan does not substantially deviate from the final concept plan or layout presented to, and reviewed by, the Town Board as part of the zone change process. The adoption of such resolution shall appear as a map note on any approved plat or plan.

6. Site plans indicate exterior stairs and retaining walls with fall projection to be designed by others at multiple locations. The design, plans, elevations and details must be provided.

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

8. The SWPPP supplied to DEME is under review. A formal review will be sent to the applicant's engineer directly. However, a cursory review of the SWPPP has revealed a number of issues with it:

- a. The introduction to the SWPPP shall clearly identify the specific type of water quality structure that is being proposed.

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Continuation of Condition #8...

- b. The drawings shall clearly identify the specific type of water quality structure that is being proposed using the naming system spelled out in the NYSDEC Stormwater Management Design Manual.
- c. The introduction of the SWPPP shall fully explain how the proposed design meets the requirements of the New York State Stormwater Management Design Manual-Chapter 5 Green Infrastructure.
- d. The beginning of the SWPPP shall include a table showing elevation vs area vs volume numbers for the proposed WQ practices.
- e. Appendix F shall include the required "during" construction checklist for the proposed stormwater CDS unit. Also, individual/ separate checklists shall be provided for each stormwater ponds, CDS units, manhole/catch basin, conveyance/ pipe run, rip rap installation, with their corresponding structure number.
- f. Appendix G shall include individual/ separate checklists shall be provided for each stormwater ponds, CDS unit, manhole/catch basin, conveyance/ pipe run, rip rap installation with their corresponding structure number.
- g. The graphical hydrograph provided in Appendices A and B shall be increased in size for ease of review (e.g. one hydrograph per page. Also, the legend size.
- h. The number tab separation pages shall be replaced with letter tab separation pages that correspond to their respective Appendix letters.

9. The drawings depict approximately 1/3 of the proposed infiltration basin, regrading for the basin, outlet piping and level spreader being sited on neighboring property. This is not acceptable. The basin shall be relocated to be completely within the projects' property or the applicant may choose to reduce the size of the proposed project in order to reduce the required stormwater quality and quantity improvements needed and extensive offsite regrading.

10. The introduction of the SWPPP states that the project is requesting a waiver from the Town (as MS4) from the 5-acre limit of disturbance regulations. Please be advised that the Town will consider the request, however a more thorough explanation for the request shall be provided. If the Town grants the waiver, the MAXIMUM limit of disturbance allowed would be 10 acres. Therefore, the SWPPP and plans will need to describe and demonstrate how the project will be phased so that no more than 10 acres of disturbance are proposed at any one time. The construction phasing plan shall thoroughly describe and ensure that all areas above 5 acres will be stabilized as soon as possible. Also, the applicant/ applicant's engineer shall investigate the possibility of reducing the proposed total area of disturbance.

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11. The Geotechnical/ soils report found in Appendix L is missing vital information. For example, the report does not specify the depth of each and every test hole. The soil reports for each test hole are not included in the report, etc. The first full paragraph on page 4 of the report states that "...six in-place field infiltration tests at a depth of 8 feet in six of the requested eight test pit location..." but does not specify or name the specific test pits, nor does it provide the specific elevation for each test, e.g. where the test pits dug to the required 4 feet below the proposed bottom of the infiltration basin (Appendix D-NYS-SMDM). At what elevation was water seepage discovered/ noticed at for test pits 4 & 8? Why did JMC request a "modified pre-soak method" for the 4 additional in-place field tests? Why was the DEME not notified about these tests so they could be witnessed by DEME as is standard operating procedure.

12. Page 6 of the Geotechnical/ soils report states that groundwater seepage "was encountered in 14 of the test pits at depths ranging from approximately 6 to 14 feet below grade.." The report shall provide this specific information for all of the test pits, including specific depth at which groundwater was encountered. As well as providing the "perched" groundwater locations and their depth and which test pit they correspond to.

13. Page 13 of the Geotechnical/ Soil Reports, "Infiltration testing" section talks about test logs, infiltration depths of 6-8 feet deep and as well as infiltration rates for those locations and test pits 5, 6, and 7. All test pits logs shall be added to this report. The report then states that infiltration rates of 11 to 20 inches per hour were recorded at test pits 5, 6 and 7. These rates are extreme and according to NYS SMDM, Section 6.3.3 Pretreatment – Required elements, bullet #3, page 36, "If the Fc for the underlying soils is greater than 5.00 inches per hours, 100% of the WQv shall be treated prior to entry into an infiltration facility." The SWPPP and drainage calculations shall clearly show and explain how this requirement in the NYS SMDM is being adhered to.

14. Table D-1 of Appendix D of the NYS SMDM calls for 1 infiltration test and 1 test pit per 200 Sq. Ft. of basin area. From the information provided in the Geotechnical/Soils report (3 tests reported), not enough infiltration tests and test pits have been performed for the proposed infiltration basin.

15. Based on and in connection above comments, repeat and additional soil analysis, perc tests and determination of groundwater elevations shall be performed at the proposed infiltration basin location. These tests/ investigations shall be performed in the spring or fall when the ground water table is typically at its highest. These tests shall be performed PRIOR to this proposal receiving Final Approval to ensure the adequacy of the design. The information/ test results/ elevations shall be added and incorporated into the drainage calculations. DEME shall be notified at least 48 hours in advance of these field tests. Copies of all correspondence related to this issue shall be submitted to DEME.

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16. The Geotechnical/ soil report talks about "Plates", this terminology shall be fully explained in this report and in the SWPPP. The introduction of the SWPPP shall reference the Geotechnical / Soil report found in Appendix L and provide tables of all testing results for all tests performed in the infiltration basin location as well as fully explain how the results found determined the design of the stormwater system, including references to specific design calculations found within the SWPPP.

17. The Geotechnical/ Soil Report discusses a "north basin" as well as showing one a plot p-plan at the back of said report. However, the drawings provided show no such basin. In fact, the plans call for a club house and pool to be built there. This discrepancy shall be resolved. The SWPPP, its appendices and the drawings shall all be coordinated to reflect the same design.

18. In connection with the above comment, the drawings show a large area of regrading as well as existing stream improvements/ rip rap installation, along the southern side of the proposed project, occurring on the neighboring property. The applicant shall obtain both temporary construction easements as well as permanent access and maintenance easements. Copies of all correspondence related to this issue shall be supplied to the Town Attorney's office and DEME.

19. The proposed infiltration basin is missing some of the required design elements as spelled out in the NYS SMDM, such as upland stilling basin, concrete level spreader, backup underdrain piping, valve on underdrain piping, etc. The basin shall be redesigned to meet the NYS SMDM standards.

20. The applicant's engineer is reminded that the bottom of the infiltration basin shall be separated by at least 3 feet vertically from the seasonally high groundwater table or bedrock layer, as documented by the required onsite soil testing/ groundwater elevation determination for the basin, see above comment

21. Upstream construction shall be completed and stabilized before connection to the proposed infiltration basin. The SESC plan shall clearly indicate how sediment shall be prevented from entering the infiltration basin. This shall be shown on the drawings and spelled out in the SWPPP Introduction and Sequence of Construction.

22. A 12-foot wide maintenance path shall be clearly depicted around the proposed infiltration basin; the plan currently shows only a 10 feet wide path. The path shall be placed around the entire basin or an adequately sized turn around shall be provided. Also, the current plan does not show how the basin will be accessed for maintenance, this shall be corrected.

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**PB#22-06: The Reserve at Pearl River Site Plan Permit #50255
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- 23.** The plan depicts for the entrance to maintenance access path, for the infiltration basin, on the neighboring property. The applicant shall obtain a 25-foot-wide (minimum width) access easement from the neighboring property owner. The metes and bounds of said easement shall be shown on the drawings. Copies of all correspondence related to this shall be supplied to the Town Attorney's office and DEME.
- 24.** An access path for the proposed level spreader at the exhaust of the infiltration basin shall be depicted on the drawings.
- 25.** The emergency spillway for the infiltration basin shall be extended down to the toe of the proposed regrading of the slope for the basin.
- 26.** The existing percent slope shall be given on the Existing Conditions Plan (C-010), in the area of the proposed infiltration basin. The "Club West at Pearl River" improvements shall be shown on the Existing Conditions plan as well.
- 27.** The plans call for an emergency access drive on the neighboring property. The applicant shall obtain a 30-foot wide, minimum width, access easement from the neighboring property owner. The metes and bounds of said easement shall be shown on the drawings. Copies of all correspondence shall be supplied to the Town Attorney's office and DEME.
- 28.** The proposed soil erosion and sediment control plan (C-400) states and shows that the site of the proposed infiltration basin is to be used as a sediment basin. This is unacceptable and contradicts Section 6.3.6 of the NYS SMDM. The SESC plans shall be revised to be in compliance with the NYS SMDM, and remove infiltration basin area as a construction sediment basin.
- 29.** The SESC plan shows a proposed diversion swale being constructed on the neighboring property. The applicant shall obtain a 25-foot wide, minimum width, construction access and maintenance easement from the neighboring property owner. The metes and bounds of said easement shall be shown on the drawings. Copies of all correspondence related to this shall be supplied to the Town Attorney's Office and DEME. Also, a symbol for the diversion swale shall be added to SESC drawings legend and a detail for same added to the plans.
- 30.** Profiles for all proposed sanitary and storm/ drainage piping shall be added to the drawings.
- 31.** The detail for the proposed outlet control structure shall clearly show an access point from the top.
- 32.** The proposed grading is showing "tying into" existing grading at right angles. This is unacceptable. Smooth transitions shall be shown between existing and proposed contour lines.
- 33.** Sanitary calculations for the proposed site, prepared and sealed by a NYS Licensed Professional Engineer, shall be submitted to DEME for review and approval. These calculations shall not only include an analysis of the proposed flows from the new development and sizing of the mains, but also an analysis of the capacity of the pumping station that it will be tying into, to determine that there is adequate capacity at the station to handle the additional flow.

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- 34.** It appears that the proposed sanitary sewer system is to be dedicated to the Town of Orangetown Sewer Department. If this is the case, ingress/ egress easements shall be depicted, with metes and bounds, over all of the private roadways and encompassing all mains of private property. The roadway easements shall be the full width of the roads and the easements for any sewer mains "off road" shall be at least 20 feet in width. Copies of the written ingress/ egress easements shall be provided to the Town Attorney's office and DEME for review and approval.
- 35.** The location of the proposed sewer main, serving the proposed Clubhouse is unacceptable. The main shall not run under the proposed pickleball courts. The main shall be relocated to be within the roadways.
- 36.** The manhole detail shall call for ONLY a Campbell Foundry frame and cover 1012b (no or equal.) Also, the manhole cover detail shall be revised to indicate a manhole/ manhole frame for a 30-inch opening, e.g. the diameter cannot vary. The details shall be revised as directed.
- 37.** The sanitary building connection inverts shall be labeled on the utilities plan.
- 38.** Cleanouts with invert elevations shall be shown at all sanitary building connections.
- 39.** The site plan will require a Homeowners Association (or equivalent) to be formed in order to spell out the responsibilities for the maintenance of the private roadway, private stormwater drainage system, etc. This agreement shall include a named responsibility for overall drainage systems (SWPPP contact.)
- 40.** Any and all planting for the proposed infiltration basin shall be clearly called out on the landscaping plan.
- 41.** The post construction stormwater maintenance agreement supplied is under review by DEME.
- 42.** Any wetlands located on the property shall be shown on the drawings.
- 43.** The page and liber or instrument number (s) for all existing easements/ dedications shall be given on the plans, if applicable.
- 44.** The datum for the contours shall be given. Also, a note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.

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45. The Town of Orangetown Bureau of Fire Prevention offered the following comments:

Site Plan Review:

- Emergency access road for Clubhouse is greater than 150' in length and requires a turnaround. 2020 IFC 503.2.5
- The secondary emergency access road appears to cross the lot line. Is there an easement agreement in place between the 2 properties.
- Is the second emergency access road capable of supporting a load of 75,000 pounds.
- What is the slope of the second emergency access road.
- Access roads shall be separated by not less than ½ the diagonal of the lot or area being served. Show calculations for access road separation design – access road separation scales 200'. 2020 IFC D104.3
- Show any access road gates.
- Show vehicle protection for hydrants.

Construction plans shall include the following information:

- Sprinkler as per NFPA 13
- Fire Alarm system as per NFPA 72
- Lock box locations

46. Drainage Review – Brooker Engineering

Drainage Review Recommendation

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 Reserve Site Plan be approved for drainage subject to the following comments.

Project Description

This is the first drainage review report for this project. The project is adjacent to the recently completed The Club West at Pearl River Project and portions of this project, now shown as existing conditions, are included in the hydrologic analysis. The proposed The Reserve at Pearl River project is located south (uphill) of The Club West site. The disturbed area is wooded and slopes downhill to the northeast, with stormwater runoff crossing through a wetland and discharging to Lake Tappan. The project proposes four buildings, at grade parking, sidewalks, a clubhouse, pool, and a recreation area. The project disturbs about 11.58 acres of land and adds 5.01 acres of impervious area within the existing wooded area. An infiltration basin is proposed that can store 4.8 inches of rainfall runoff from the new impervious areas.

The hydrologic model analyzes four design points; the largest being Design Point A. This Design Point represents the majority of land disturbance and new impervious area. The hydrologic model correctly delineates the drainage subarea that is directed to the new stormwater management infiltration basin.

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Continuation of Condition #46...

Project Comments

1. The watershed delineations along the south property line for PDA1-A shall evaluate any uphill off-site stormwater runoff that will enter the site and be diverted around PDA1-A.
2. Provide more detail for the grading north of the clubhouse to demonstrate stormwater runoff from this area will be directed to the detention basin and not bypass the basin.
3. Design Point 1 is the point at which the majority of stormwater runoff from the site is concentrated water flow, which is beyond the property limits. Add an additional subarea to represent the portions of watershed between the site western property boundary and Design Point 1.
4. Show the existing conditions features of The Club within subarea EDA-1B on the Existing Drainage Area Map.
5. Provide the pervious and impervious breakdowns on all of the drainage subareas on the Drainage Subarea Maps.
6. Provide mapping that breaks down the proposed impervious areas, especially at PDA-1A.
7. Provide additional subarea breakdowns in the hydrologic models for the two piped storm drainage systems that bypass the stormwater management basins in PDA-1C.
8. The proposed stormwater management basin crosses the property line; show an easement over tax lot 73.10-1-5 in favor of tax lot 73.10-1-6.
9. Show the Club at Pearl River improvements on the Existing Conditions Plan.

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

- A minimum of 250 SF of indoor and/or outdoor recreation area is required per unit. For 110 units, 27,500 SF is needed (26,750 SF for 107 units.) It is indicated in the Town Board minutes that the clubhouse will be 6,000 SF and an additional 13,000 SF of recreation will be provided. In total, only 19,000 SF of recreation areas are proposed. A breakdown of the 13,000 SF of recreational areas must be provided. The applicant shall determine if there are other locations on the site where indoor/outdoor recreation can be included, or a variance will be necessary. Although 80 percent of the site is to be left as open space, this cannot be counted as recreational area since no trails or other activities are provided for residents.

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Continuation of Condition #47...

- Access to the Club West at Pearl River, located on the adjacent parcel to the northeast (73.10-1-5), is provided over the subject site. When RC Planning reviewed the site plan for said project, it was noted that no access easement was noted on the site plan. The provided site plan for the Reserve at Pearl River also does not indicate any easements for this access. An access easement must be provided for 73.10-1-5 over tax lot 73.10-1-6. This easement must be recorded in the deed, as well. As per Section 4.610E of the Town's Zoning Code, no structures, parking areas, or roadways shall be located within a required buffer other than access drives to and from the site. The dog run is partially located within the northern buffer area. The dog run shall be reoriented or relocated so as to not be located within the 50-foot buffer.
- A review must be completed by the Rockland County Department of Health, any comments or concerns addressed, and all required permits obtained.
- A review must be completed by the Rockland County Highway Department, any concerns addressed, and all required permits obtained.
- A review of the Fire Truck Access Plan must be completed by the County of Rockland Office of Fire and Emergency Services, Town of Orangetown Fire Inspector, or the Pearl River Fire Department to ensure that the site is designed in a safe manner and that there is sufficient access to, and maneuverability on, the site for emergency vehicles. They shall be satisfied that the proposed emergency access is feasible.
- Since this senior housing development, TRIPS paratransit vehicles will likely be serving the residents of the site. The planning Board must be assured that the design of the inner roadway can accommodate these vehicles and that there is sufficient room for a pick-up/drop-off area. In addition, a review must be completed by the Rockland County Department of Public Transportation so that they can evaluate the site in relation to the needs of providing their services.
- The site is located on relatively steep topography. Extensive regrading must be done in order to implement the proposed development design. To limit the extent of soil erosion, prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the NYS 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.
- A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.

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Continuation of Condition #47...

- Water is a scarce resource in Rockland County; thus, proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages, and County with an adequate supply of water. If any public water supply improvements are required, engineering plans and specification for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II, Drinking Water Supplies, of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.
- For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.
- To ensure that the existing forested area to remain is left undisturbed, a construction envelope shall be delineated on the plans, and the boundaries shall be marked on site with yellow tape or other clearly visible materials prior to any grading or disturbance of the site. Soils outside the construction envelope shall not be disturbed.
- Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed NYS 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.
- Area designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. Providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by residents and guests. In addition, this will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion.
- The RC Planning Department request the opportunity to review the variance that are needed to implement the proposed site plan as required by NYS General Municipal Law 239-m (3)(a)(v).
- As noted in the July 13, 2021 Town Board minutes, the proposed units will be rentals. Pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1, all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC). If this proposed multi-family dwelling meets the requirements of the MDRC, then the owner must register and obtain the MDRC. Failure to comply is a violation of Article XIII, which may result in penalties of \$2,000.00 per day.
- The Vicinity & Zoning Map on Sheet C-000 of the site plan prepared by JMC, appears to have been misprinted, with a portion of the map located outside the box, and the highlighted site located south of the New Jersey border. This error shall be corrected.
- The Bulk Table on Sheet C-000 must be amended to state that 14 single units and 96 double units are proposed.

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**Town of Orangetown Planning Board Decision
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Continuation of Condition #47...

- The Site Plan must include standard notes, including district information.
- The location map on sheets C-01 and A-01 of the architectural plans, prepared by Minno & Wasko Architects and Planners, must contain a north arrow, especially since north is not oriented to the top of the page.
- In the Project Data on Sheet C-01, the building height is listed as ~ Stories 00'-0". The number of stories and building height shall be added.

48. The Rockland County Highway Department (RCHD) reviewed the information and offered the following comments;

- As the proposed housing facility is expected to generate more traffic flow in the area, it may cause some negative impacts on the adjacent roads and nearest intersections, including lowering the existing level of service. A traffic impact study (TIS) may be required to determine the impacts. Any negative traffic impact in the area due the proposed action shall be addressed.
- The driveway accesses to the adjacent property requires a permanent access easement as both parcels are in different tax lots. The permanent access easement shall be prepared and recorded in the Rockland County Clerk's Office to have accesses within the tax lots.
- A drainage report for the proposed development shall be prepared and submitted to RCHD. The applicant shall make sure that the 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 must be obtained from the RCHD prior to starting any construction work in the site.

49. The Rockland County Drainage Agency reviewed the submitted documents and provided the following comment:

Please note that the site is outside the jurisdiction of Rockland County Drainage Agency and has no further comments.

50. 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.

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

- Town of Orangetown Zoning Board of Appeals
- Rockland County Sewer District #1
- Rockland County Highway Department
- Rockland County Drainage Agency

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52. 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.

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

54. 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.

55. 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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56. 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.

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

58. 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).

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

60. 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

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

62. The applicant shall provide a copy of the Traffic Study to the Board and Brian Quinn, Esq. representing Glorious Sun Blue Hill Plaza, for review.

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Overrides

The Board made motions to override Conditions #1 and #2 of the January 21, 2022 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

“#1. As per the bulk table for the PAC floating zone, found in Section 4.69A of the Town’s Zoning Code, the Town Board is permitted to increase the base density of four dwelling units/acre to five units/acre. As per the minutes of the Town Board Meeting of July 13, 2021, the bonus density was awarded to the site, for a total of 110 units. However, this number is based on the gross acreage of 22.58 for the site. The net lot area of 21.42 acres must be used when calculating the bonus density, as was used when calculating the base density of 85 units. Based on the net lot area, only a maximum of 107 units shall be permitted for the site. The town Board must revise the density bonus calculation to reflect this. The Town Board resolution must also be revised to indicate this correction.”

The Board held that item number 3 of the memorandum to the Town of Orangetown Town Board, from Jane Slavin, dated February 15, 2022 provides the breakdown of the site density.

A motion to override the condition was made and moved by Andrew Andrews and seconded by Denise Lenihan and carried as follows: Thomas Warren - Chairman, absent; Denise Lenihan, aye; Michael Mandel, aye; Andrew Andrews, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Stephen Sweeney, absent, and Michael McCrory, aye.

“#2. As noted above, the Town Board is permitted to award a bonus density of one unit/acre, so long as 50% of the bonus density is designated as affordable housing. There is no mention of affordable housing anywhere in the application materials. Since the Town Board approved 110 units for an additional 25 units over the permitted density, at least 13 units shall be affordable. Based on 107 units that are allowed, at least 11 units must be affordable.”

The Board held that in accordance with Town of Orangetown Town Board Resolution #80, dated February 15, 2022, and Jane Slavin’s memorandum to the Town Board, dated February 15, 2022, item number 4.66 explains the Board’s position regarding Affordable housing.

A motion to override the condition was made and moved by Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren, absent; Denise Lenihan, nay; Michael Mandell, aye; Andrew Andrews, aye; Kevin Farry, aye, Lisa DeFeciani, aye; Stephen Sweeney, absent and Michael McCrory, aye.

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The foregoing Resolution was made and moved by Andrew Andrews seconded by Denise Lenihan and carried as follows: Thomas Warren, absent; Denise Lenihan, aye; Michael Mandell, aye; Andrew Andrews, aye; Kevin Farry, aye, Lisa DeFeciani, aye; Stephen Sweeney, absent and Michael 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: February 23, 2022
Town of Orangetown



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

**PB#22-06: The Reserve at Pearl River Site Plan
Preliminary Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision
February 23, 2022**

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: The Reserve at Pearl River Site Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Preliminary Site Plan Approval Subject to conditions

LOCATION: The site is located at Blue Hill Plaza, Veterans Memorial Drive, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.10, Block 1, Lot 6 in the OP/PAC zoning districts.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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**PB #22-03: 59 Tweed Boulevard Site Plan
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #51873

**Town of Orangetown Planning Board Decision
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TO: Molly Denver, Ike Kligerman Barkley, 340 Haven Avenue, 3N, New York, New York 10033
FROM: Orangetown Planning Board

RE: 59 Tweed Boulevard Site Plan:

The application of Adam & Jordana Grunfeld, owners, for Prepreliminary/ Preliminary/ Final Site Plan Review for additions to existing residence and pool replacement at a site known as **"59 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. The site is located at 59 Tweed Boulevard, in the Critical Environmental Area, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.13, Block 1, Lot 40 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **February 23, 2022** at which time the Board made the following determinations:

Molly Denver, Jamie Bedard and Sean Lair appeared and testified.

The Board received the following communications:

1. Project Review Reports dated January 5 and February 9, 2022.
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 January 18, 2022.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 7 and February 18, 2022.
4. interdepartmental memorandums from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated January 3 and February 7, 2022.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated January 11, 2022.
6. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated December 13, 2021.
7. Letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated December 15, 2021.
8. Letter from Rockland County Department of Health, signed by Elizabeth Mello, P.E., dated December 22, 2021.
9. Notices from Rockland County Highway Department, signed by Dyan Rajasingham, dated December 28, 2021.
10. Project Narrative prepared by the applicant.
11. Short Environmental Assessment Form signed by Molly Denver, dated January 12, 2022.

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13. Building Permit Referral to the Planning Board dated August 31, 2021 signed by Rick Oliver, Building Inspector.

14. Boundary & Topographic Survey Plan prepared by Collazuol Engineering & Surveying, dated December 21, 2020, last revised May 17, 2021.

15. Landscaping Plans prepared by Orsman Design, dated April 26, 2021:

- C-0.0: Cover Sheet
- LL-1.0: Landscape Lighting Plan
- LC-1.0: Landscape Lighting Imagery
- LC-1.1: Landscape Lighting Imagery
- LC-1.2: Landscape Light Fixture Imagery

16 Civil Plans prepared by Ike Kligerman Barkley last revision date of February 2, 2022;

- C-001.00: Title Sheet
- C-002.00: General Notes
- C-003.00: Existing Survey
- C-100.00: Proposed Site Plan and Drainage Plan
- C-200.00: Existing Site Plan
- C-300.00: Stormwater Management Details
- C-400.00: Soil Erosion Control Details

17. Architectural Plans prepared by Ike Kligerman Barkley dated January 8, 2021 last revised August 7, 2021.

18. Foundation Specifications & Detail Plans prepared by Ike Kligerman Barkley dated January 8, 2021 last revised August 13, 2021.

The Board reviewed the plans. The hearing was then opened to the Public. A motion was made to open the public portion of the Hearing by Andrew Andrews and seconded by Denise Lenihan and carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, absent; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, aye.

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 Denise Lenihan and carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, absent; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, aye.

SEQRA

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 Andrew Andrews and seconded by Michael McCrory and carried as follows: by Andrew Andrews and seconded by Denise Lenihan and carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, absent; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, aye, the Board declared itself Lead Agency.

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**PB #22-03: 59 Tweed Boulevard Site Plan
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #51873

**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, Ike Kligerman Barkley and having heard from the following offices, officials and/or 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 Health, Rockland County Sewer District #1, Rockland County Planning Department, Rockland County Highway Department, and having reviewed the drawings presented by the applicant's professional consultants; Ike Kligerman Barkley 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'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 Kevin Farry and carried as follows: by Andrew Andrews and seconded by Denise Lenihan and carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, absent; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, 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. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall submit a full landscaping plan to the Planning Board for review.
4. The section, block and lot designations are incorrect. All drawings/ applications must have the correct designation.

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5. Provide a proposed site plan for the entire lot at the same scale as the existing survey. Plan must indicate setback dimensions to all structure including but not limited to the main dwelling and proposed additions, pool house, pool, retaining walls, patios and covered porches. Dimensions shall also be indicated for the size of all patios.

6. Drawing C-200.0 shall be labeled as SITE DEMOLITION PLAN and all items to be demolished must clearly be shown in a different line pattern.

7. A few drawings indicate an "office pavilion" and other drawings reference "bunker". Please provide drawings clearly indicating the use, size, setbacks and height of the structure.

8. The Stormwater Management Plan/ drainage calculations that were submitted are under review by DEME. However, paragraph 5 of the Introduction (page 3) states that *"The design effort is to have zero runoff of the property due to the new impervious areas both paved and non-paved for both the 10-year and 25-year storm events, and to improve the current predeveloped conditions for the 100-year storm event."* This statement is insufficient and unacceptable. As stated in comment/ recommendations in the January 7, 2022 memo, the applicant's engineer shall design onsite storage to achieve a zero increase in runoff, **up to the 100-year storm**, for the project. The drainage calculations shall also include the design specifications, materials specification, construction/installation specifications, maintenance schedule and inspection checklist(s) for the proposed subsurface stormwater detention systems. The calculations shall also include design specifications, material sections, construction/ installation specification, maintenance information/ guidance/ schedule and inspection checklist(s) for the proposed "First Flush" catch basins.

9. Soil analysis, perc tests and determination of ground water elevations shall be performed at the location of the new proposed subsurface detention system locations. These tests/ investigations shall be performed in the spring or fall when the ground water table is typically at its highest. These tests shall be performed PRIOR to this proposal receiving Final Approval to ensure the adequacy of the design. The information/ test results/ elevations shall be added and incorporated into the drainage calculations. DEME shall be notified at least 48 hours in advance of these field test/ investigations. Copies of all correspondence relating to this issue shall be submitted to the Planning Board, Building Department and DEME. The applicant's engineer is reminded that as per the NYSDEC Stormwater Management Design Manual, *"The bottom of the infiltration facility shall be separated by at least three (3) feet vertically from the seasonally high ground water table or bedrock layer"*

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- 10.** The total area of disturbance shall be given on drawings C-001.01 and C-002.00
- 11.** It appears from invert elevations provided in the Polydrain First Flush 2610FF Catch Basin table that the proposed catch basins will have sumps. This shall be noted in the Stormwater Management Plan. Also, inspection and cleaning of sumps shall be called for in a required post construction stormwater maintenance agreement.
- 12.** Top and invert elevations for all of the proposed cleanouts, along the drainage piping runs, shall be given on the plans.
- 13.** The installation of soil erosion and sediment control devices as well as the new stormwater systems shall be added to the Project Phasing Plan
- 14.** Connections details shall be provided on the drawings for how the proposed drainage piping shall connect to the proposed subsurface stormwater detention system.
- 15.** Some profiles are missing from the plans; e.g. CB 7 to CB 9 and overflow from Permavoid Zone 1 to rip rap energy dissipater. Overflow piping from Permavoid Zone 2 seems to extend into the air in the profile. Also, rip rap at the overflow shall be shown and labeled on the profiles. Lastly, the proposed cleanouts along the drainage piping runs shall be shown on the profiles, with tip and invert elevations.
- 16.** The width of the rip rap energy dissipaters at the ends of the proposed overflow piping, from the two subsurface stormwater systems, shall clearly labeled on the plans and a table added to the detail on drawing C-300.01.
- 17.** The year storm and its related elevation and volume of storage shall be added to the Peravoid cross-sections on drawing C310.00.
- 18.** Drawing C-100.00 depicts regrading occurring within the Tweed Boulevard R.O.W. The applicant's engineer shall obtain a permit from the Rockland County Highway Department is required for this work. Copies of any and all correspondence relating to this issue shall be submitted to the Planning Board, Building Department and DEME.
- 19.** The haybale reinforcing of the silt fence shall be labeled on drawing C-210.
- 20.** The soil erosion and sediment control symbols shall conform to NYSDEC standards.

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21. The applicant is reminded that the sanitary septic system for the lot must be reviewed and approved by Rockland County Health Department. Copies of this approval shall be supplied to the Planning Board and DEME prior to signing the Final Map.

22. All existing easements shall be shown on the plan, including page and liber or instrument number, metes and bounds, and ownership.

23. Iron pins shall be drawn and labeled at each property corner. If no iron pins are existing, they shall be installed and labeled as such on the drawings.

24. The Town of Orangetown Fire Prevention Bureau reviewed the plans and offered the following comment:

The Fire Pit has been removed from the plan, as per Molly Denver, Architect, letter dated January 28, 2022. No further comments.

**25. Drainage Review – Brooker Engineering
Drainage Review Recommendation**

The application has provided sufficient information to demonstrate that the project will not result in any potential significant adverse impacts with respect to drainage that require mitigation. The Drainage Consultant to the Planning Board, Brooker Engineering therefore recommends that the 59 Tweed Boulevard Site Plan be approved for drainage subject to the following conditions:

Project Description

This is the first drainage review report for this project. The project consists of building additions, driveway expansion, and site work improvements for an existing single-family house located on the east side of Tweed Boulevard. The home is sited on a plateau close to the front (west) portion of the property. There is a north/south ridge along this plateau; portions of the stormwater runoff flow west toward Tweed Boulevard and the rear yard flows east toward the steep slope areas that eventually run off to Route 9W. There is a heavily vegetated steep slope area west of the existing retaining wall in the rear yard. It appears there is some expansion and new retaining walls in the rear yard on these steep slopes

Project Comments

1. The "proposed office pavilion" shown at the northeast corner of the property is designated as being designed by others. This is located on the portion of the site with slopes steeper than one vertical to two horizontal, which will make working conditions difficult. It does not appear that any provisions for drainage are shown in this area. If this scope of work is to be included as part of the current site plan approval, then engineering design and stormwater mitigation for this portion of the project shall be included at this time. Alternately, this portion of the work can be deleted from the current application and a separate site plan approval can be applied for in the future.

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Continuation of Condition #25...

2. Clearly show the breakdown of existing and proposed impervious areas. The table on Drawing C-100.00 indicates a reduction in impervious surfaces; supporting information should be provided to demonstrate this reduction.
3. Provide a drainage area map that shows the subareas that are to be directed to the underground detention systems.
4. Provide details for the detention system.
5. Show outlets for the detention systems.
6. Show the existing detention features for the original site plan approval on the site plan.
7. Prepare a separate plan that shows how the proposed features are being tied into the existing features, specifically with respect to the retaining walls in the back and the driveway in the front. Prepare a separate demolition plan that shows which existing features are to be removed.

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

- A review shall be completed by the Rockland County Department of Highways, any concerns addressed, and any required permits obtained.
- A review shall be completed by the Rockland County Division of Environmental Resources and any concerns addressed.
- A review shall be completed by the Rockland County Department of Health, any comments or concerns addressed and any required permits obtained.
- Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the NYS Standards for Urban Erosion and Sediment Control.
- There shall be no net increase in peak rate of discharge from the site at all design points.
- For installation of a sanitary sewer system, engineering plans and specification shall be reviewed and approved by the Rockland County Department of Health prior to construction.

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Continuation of Condition #26...

- The Bulk Table on Sheet C-001.00 indicates the floor area ration (FAR) will be 0.16. This is based on a proposed floor area of 7,587 SF, as provided in Note #2. However, this calculation uses the gross lot area. The FAR must be calculated using the new lot area, due to the steep slopes found on the site. Using the net lot area, the FAR comes out to be 0.189. The Bulk Table must be updated to correct this.
- The Bulk Table also indicates variances are required for FAR and total side setback. However, the FAR is less than the maximum of 0.20 and the total side setback is greater than the minimum of 60 feet. Therefore, variances are not required from these standards. The Bulk Table shall be updated to remove the reference that variances are needed.
- Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed NYS PE. And be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by a NYS PE.
- Question #1 of the Short Environmental Assessment Form (SEAF) and all questions on pages 2 and 3 were answered both affirmatively and negatively. This form must be re-completed so that all answers are completed correctly to ensure compliance with SEQRA. For accurate SEQRA documentation, the Town shall encourage applicants to use the EAF Mapper Application.
- Several application materials contain incorrect parcel information for the site, including the cover sheet, request for comments form, the Notice of Lead Agency Coordination letter, the 2020 Land Use Board Application, and Sheet T-100. In addition, sheet C-001.00 does not include the Section. All application materials must be updated to reflect the correct tax parcels of 71.13-1-40. If the public hearing notice was issued with the incorrect parcel information, it must be revised and reissued.
- As indicated in the May 8, 2017 letter from the Rockland County Department of Health, an application must be made to them for review of the Stormwater management system to ensure compliance with the County Mosquito Code.

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27. The Rockland County Department of Health reviewed the information and offered the following comments;

- Application is to be made to the Rockland County Department of Health for review of the system for compliance with the County Mosquito Code.
- The proposed modification to the existing septic system will require a permit from Rockland County Department of Health.

28. 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.

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

- Rockland County Health Department
- Town of Orangetown Zoning Board of Appeals
- Rockland County Sewer District #1
- Rockland County Department of Highways

30. 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.

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

32. 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 #32...

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.

33. 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.

34. 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.

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

36. 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).

TOWN CLERK'S OFFICE

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**PB #22-03: 59 Tweed Boulevard Site Plan
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #51873

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

38. 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

39. 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 Denise Lenihan and carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, absent; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, 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: February 23, 2022
Town of Orangetown



TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN

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

**PB #22-03: 59 Tweed Boulevard Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions
Neg. Dec.
Town of Orangetown Planning Board Decision
February 23, 2022**

Permit #51873

The application of Adam & Jordana Grunfeld, owners, for Prepreliminary/ Preliminary/ Final Site Plan Review for additions to existing residence and pool replacement at a site known as “**59 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.

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: 59 Tweed Boulevard Site Plan – Preliminary Site Plan Approval Subject to Conditions-

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: 59 Tweed Boulevard Site Plan – Preliminary Site Plan Approval Subject to Conditions

LOCATION: The site is located at 59 Tweed Boulevard, in the Critical Environmental Area, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.13, Block 1, Lot 40 in the R-22 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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 CLERK'S OFFICE
FEB 23 2022
MAYOR'S OFFICE

**PB #22-08: Rockland Gaelic Athletic Association Plan – Retaining Wall Plan
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #51867

**Town of Orangetown Planning Board Decision
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**TO: Jesse Cokely, Collier Engineering, 50 Chestnut Ridge Road
Suite 101, Montvale, NJ 07645**
FROM: Orangetown Planning Board

RE: Rockland Gaelic Athletic Association Site Plan: The application of Rockland Gaelic Athletic Association, owners, for Prepreliminary/ Preliminary/ Final Site Plan at a site known as “Rockland Gaelic Athletic Association 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 169 Old Orangeburg Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.12, Block 1, Lot 1 in the RPC-R zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held February 23, 2022 at which time the Board made the following determinations:

- Jesse Cokely and Joseph McGirl appeared and testified before the Board.
1. Project Review Committee Report dated February 9, 2022.
 2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, from Jane Slavin, Director, Deputy Building Inspector dated February 22, 2022.
 3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated February 18, 2022.
 4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated February 7, 2022.
 5. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated January 24, 2022.
 6. Notices from Rockland County Department of Health, signed by Elizabeth Mello, PE, Senior Public Health Engineer, dated January 1, 2022.
 7. Letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, Engineer II, dated January 13, 2022.
 8. Letter from Orange & Rockland Utilities, from Alfred Gaddi, PE, Principal Engineer, dated December 22, 2021.
 9. Notice from the Rockland County Highway Department signed by Dyan Rajasingham, dated January 10, 2022.

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10. Notices from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, dated January 5, 2022.
11. Notice from Suez signed by Bill Prehoda, dated January 5, 2022.
12. Building Permit Referral to the Planning Board dated November 23, 2021 prepared by Rick Oliver, Building Inspector.
13. Project Narrative prepared by the applicant.
14. Short Environmental Assessment Form signed by Joseph McGirl, dated November 18, 2021.
15. Plans prepared by Colliers Engineering and Design dated October 22, 2021, entitled Retaining Wall Plan for Rockland GAA.

The Board reviewed the plans. The hearing was then opened to the Public. A motion was made to open the public portion of the Hearing by Denise Lenihan and seconded by Andrew Andrews and carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, absent; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, aye.

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 Denise Lenihan and carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, absent; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, aye.

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 Denise Lenihan and carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, absent; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, aye.

SEQRA

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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A motion was made by Denise Lenihan and seconded by Andrew Andrews and carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, absent; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, aye, the Board declared itself Lead Agency.

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's consultant Collier Engineering and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the Health and Rockland County Sewer District #1, Rockland County Highway Department, Rockland County Health Department and the Town of Orangetown Zoning Board of Appeals, and having reviewed the drawings presented by the applicant's professional consultant; Collier 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;
- 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.

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A motion was made by Michael McCrory and seconded by Kevin Farry, and carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, absent; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, aye, the Board made a Negative Declaration pursuant to SEQRA.

DECISION: In view of the foregoing and the testimony before the Board, the application was granted **Final 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. Submission Reviewed

Retaining wall plan as prepared by Colliers Engineering, Dated 10/22/2021.

- 1) The applicant is proposing the construction of a new retaining wall to create a level field area.
- 2) Proposed grading shall be shown.
- 3) What is construction of the proposed walkway connection?
- 4) The detail indicates that the proposed wall will be 5'-0" higher than the adjacent grade. The Top of Wall elevations shall indicate the ACTUAL proposed top of wall. It appears that the wall as proposed will be 14'-0" tall, applicant must confirm.
- 5) A vicinity map shall be shown on the drawings indicating adjacent property uses.

TOWN OF ORANGETOWN
PLANNING BOARD
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**Town of Orangetown Planning Board Decision
February 23, 2022
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Continuation of Condition #4...

- 6) The SOLL Little League fields are located to the west and the parking lot is located to the north. Applicant should consider fall protection and fencing/netting to prevent balls from entering the adjacent properties.
 - 7) 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.
5. The total area of disturbance shall be added to the plan
 6. The proposed grading around the wall area and the new walkway shall be added to the plan.
 7. The existing municipal parking area immediately north of the proposed project area shall be shown in detail on the plan.
 8. Soil erosion and sediment control plans and details shall be added to the plan set and submitted to DEMA for review and approval.
 9. A “blow up” view of the project area shall added to the drawings.
 10. The drawings shall clearly define the proposed surface of the area within the retaining walls.
 11. All existing utilities, utility easements, easements and dedications shall be shown on the plan, including page and liber or instrument number, metes and bounds and ownership.
 12. Iron pins shall be drawn and labeled at each property corner. If no iron pins are existing they shall be installed and labeled as such on the drawings.
 13. The Town of Orangetown Bureau of Fire Prevention had no comments at this time.
 14. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - A review must be completed by the Rockland Psychiatric Center and any comments or concerns addressed.

TOWN CLERK'S OFFICE
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TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
February 23, 2022
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Continuation of Condition #14...

- Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State PE and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the NYS PE.
- A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland Sanitary Code.
- The Site Plan shall contain map notes, including district information.
- A vicinity map that contains a north arrow and scale must be provided.
- The site plan indicates an area of 370,805 SF (8.513 acres), however that measurement only includes a portion of the subject parcel. The gross area of the entire site must be indicated on the site plan. In addition, the entire subject parcel must be outlined, as there appears to be a break in the parcel boundary near the playground equipment.
- All site plans shall include bulk table detailing proposed as well as required bulk dimensions.

15. 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.

16. Orange and Rockland Utilities reviewed the plans and offered the following comment: There does not seem to be any conflicts with the proposed retaining wall. All code 753 rules must still be followed.

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

- Rockland County Health Department
- Rockland County Sewer District #1
- Town of Orangetown Zoning Board of Appeals
- Rockland County Highway Department

18. 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.

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

20. 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.

TOWN OF ORANGETOWN

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PLANNING BOARD

21. 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.

22. 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.

23. 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 Planning Board Decision
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- 24.** The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
- 25.** 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).
- 26.** Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
- 27.** 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.

ACABOR

The Planning Board granted a waiver of the Architecture and Community Appearance Board of Review, requiring review at the time the lot is proposed for a specific dwelling plan, under Site Plan Review.

The foregoing Resolution was made and moved by Mike McCrory and seconded by and carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, absent; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, aye.

The foregoing Resolution was made and moved by Andrew Andrews and second by Denise Lenihan and carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, absent; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, 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: February 23, 2022
Cheryl Coopersmith**



PLANNING BOARD
TOWN OF ORANGETOWN
FEB 23 2022

**State Environmental Quality Review Regulations
NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

PB #22-08: Rockland Gaelic Athletic

Permit #51867

Association Plan – Retaining Wall Plan

Final Site Plan Approval Subject to Conditions

Neg. Dec.

Town of Orangetown Planning Board Decision

February 23, 2022

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: Rockland Gaelic Athletic Plan – Retaining Wall Plan
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

LOCATION: The site is located at 169 Old Orangeburg Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.12, Block 1, Lot 1 in the RPC-R zoning.

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:

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

2022 MAR 11 AM 10:15

MAILED TO SUPERVISOR

PB #22-10: Ferrante Site Plan **Permit #35475**
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.

Town of Orangetown Planning Board Decision
February 23, 2022
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12. Copy of PB#10-03, Preliminary Site Plan Approval Subject to Conditions, dated February 26, 2014.
13. Site Plan prepared by Jay Greenwell, PLS, dated August 27, 2020.

The Board reviewed the plans. The hearing was then opened to the Public. A motion was made to open the public portion of the Hearing by Andrew Andrews and seconded by Denise Lenihan and carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, absent; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, aye.

SEQR

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 Denise Lenihan and carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, absent; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, 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, absent; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, absent; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, 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

JOHN C. ...
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PB #22-10: Ferrante Site Plan **Permit #35475**
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions
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Town of Orangetown Planning Board Decision
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having deliberated regarding such concerns, and having heard from the applicant's consultant Jay Greenwell, PLS and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the Health and Rockland County Sewer District #1, and having reviewed the drawings presented by the applicant's professional consultant; Jay Greenwell, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown 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 Mandel and second by Andrew Andrews and carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, absent; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, aye, the Board made a Negative Declaration pursuant to SEQRA.

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PB #22-10: Ferrante Site Plan **Permit #35475**
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions
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Town of Orangetown Planning Board Decision
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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. 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. Please see DEME letter dated 2-18-2022 for the project history.
5. The applicant received preliminary approval on February 26, 2014, PB#10-03. As per Bruce Peters letter dated 2-18-2022, the as-built pool site plan has significant differences when compared to the previous submissions. This application should be considered an AMENDMENT to PB#10-03 and a new SEAF must be submitted.
6. Applicant must provide break down of all area calculations including all of the accessory structures.

BOARD APPROVED (mirrored)

23 FEB 2022

NR/LLP/LLP/LLP (mirrored)

Town of Orangetown Planning Board Decision
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7. The Roofed Car Port is shown as being located 1.3' over the property line on 9W. The structure must be removed or:

- a. Obtain approval from NYS.
- b. Per Chapter 43, Article V, section 5.227, "A building or structure... accessory to a single-family... may be located in any required rear yard or side yard..." Variance required for accessory structure located in front yard.
- c. The car port is located approximately 10' from the main dwelling, per Chapter 43, Article V, section 5.153; Location of accessory buildings ...no accessory building ... shall be closer to any principal building ... than a distance equal to the height of such accessory building... and in no event less than 15 feet. The dimension shall be clearly indicated on the plan and a variance obtained from the Zoning Board of Appeals.

8. The Stucco Shed is located 3.4' from the north property line, a Zoning Variance is required.

9. The Pergola is located approximately 5' from the main dwelling, per Chapter 43, Article V, section 5.153; Location of accessory buildings ...no accessory building ... shall be closer to any principal building ... than a distance equal to the height of such accessory building... and in no event less than 15 feet. The dimension shall be clearly indicated on the plan and a variance obtained from the Zoning Board of Appeals.

10. Per Chapter 2, Section 2-4, ACABOR review and approval is required.

11. DEME offered the following comments:

In order for DEME to review the current application, it was necessary to research the existing file, which begins just about 18 years ago in 2004. In order to explain and understand the comments and recommendations below, the following is a brief history based on the file:

BOBBI ANNETO WAGE

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PLANNING BOARD

PB #22-10: Ferrante Site Plan **Permit #35475**
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.

Town of Orangetown Planning Board Decision
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Continuation of Condition #11...

A. Applicant appears before Planning Board on 3/10/04 – receives Refer to Comments.

1.) Submits one plan showing existing conditions – existing house with existing **WOOD** patio immediately behind the house (on east side.) Drawing entitled "Survey of Lot #1 of 607 Homes" by William Youngblood Assoc., dated 4/19/1995, rev. 5/09/95. - Exhibit "A"

2.) Submits second plan set showing inground pool beyond (east of) existing wood deck, various retaining walls, walkways, retaining walls, pavers over concrete slab surrounding proposed inground pool, existing septic system, perforated piping for drainage, leeching well, etc. – Drawings entitled "Proposed: Inground Pool: General Site Location", Dwg. Ar-02, by Stefan Bacal, P.E. (no Company Name) dated 11/03 and "Proposed: Inground Pool: Drainage Plan", Dwg. Ar-08, by Stefan Bacal, P.E. (no Company Name) dated 11/03 - Exhibit "B"

3.) LMS/ H. Goldberg, P.E. (drainage consultant to the Planning board at the time) provides a review to the Planning Board and states applicant proposes in-ground pool with items like spa, retaining walls, walkways, deck, slab, etc. He also mentions that plan shows underdrain, drywell but no drainage calculations. He too requests drainage calculations, demonstrate zero net increase in runoff for 100 yr. Storm, etc. – letter dated 2/27/04 - Exhibit "C"

4.) Besides proper site plan, datum for contours and SESC plans, this Department requests drainage calculations and onsite storage to achieve zero net increase in runoff. DEME Letter dated 3/04/04 - Exhibit "D", PB #04-26, conditions 7-9 – Exhibit "E."

- Please note, this Department's exact comments were not all adopted as specified in our letter of 3/04/04. However, PB #04-26, condition #9 does specify that drainage calculations be supplied "...to demonstrate ... no net increase in runoff from the site under a 24-hour, 100-year Type III storm.*" Condition #9 then gives the option of field determining a perc rate or assuming one "*... to define seepage pit percolation during the storm...*" which implies a seepage pit will be required. Also, PB# 04-26 condition #21 (Exhibit "E") calls for compliance with Stormwater Management Phase II regulations, which would also include/ require attenuation of "new" stormwater flows created by the proposed project, along with SESC plans and details.

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Continuation of Condition #11...

3. The Rockland County Department of Highways requests that Town of Orangetown Land Use Boards "... *should ensure a zero-net increase in runoff from the site shall be achieved to minimize any possible adverse impact on roadways and neighboring parcels.*" Letter dated 1/05/09 – Exhibit "K"
4. This Department requests applicant to provide proper site plan, and applicant's engineer to provide drainage calculation if total new impervious is over 400 SQFT. Letter dated 1/08/10 - Exhibit "L"
5. Donald Brenner, Atty., P.E. (attorney for applicant) submits a letter, dated 1/11/10 – Exhibit "M" to HDR/LMS/ H. Goldberg, P.E. stating that permission had been received to construct the pool on 5/25/05 from the Building Department. The letter goes on to state that the pool was installed in 2007, along with a footing wall and concrete piers. Attached was a letter from Edward S. Gellman R.A. (dated 1/07/10 – Exhibit "N") calculating the area of disturbance caused by the wall footings and piers for the deck around the pool. These calculations show an area of disturbance of 208 SQFT. The letter then states that because the total SQFT is under 400 SQFT, no drainage analysis is required. These calculations were and are **inadequate and unacceptable** because they do not include the pool, the paver patio that replaced the wood patio/ deck immediately behind the pool, the paver patio around the pool, the retaining walls, the walkways, etc.

D. Applicant appears before Planning Board on 3/10/14 – receives Preliminary Site Plan Approval with conditions. – Exhibit "O" *-Note the Decision number is from 2010 because of Continuation by applicant.

1. Submits 2 plans: Drawing entitled "Pool AS-BUILT Survey" by Christopher J. Lantelme, L.S., dated 9/10/09, rev. 9/28/09. - Exhibit "P." *- Note, this plan does **NOT show carport**, indicating it was constructed sometime after. Drawings entitled "Partial Floor Plan Partial Foundation Plan" by Raymond Hartwick, R.A. & Edward S. Gellemn, R.A., dated 10/15/09.
2. All previously submitted comments/ recommendations, submitted for the January 10, 2010 Planning Board meeting from HDR/ LMS/ H. Goldberg, P.E., this Department and various Departments and Agencies, are read/ included into the record.

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Continuation of Condition #11...

3. Brooker engineering/ K. DeGennaro, P.E. (drainage consultant) provides a review to the Planning Board (Letter dated 2/26/14 – Exhibit Q.) His review of the drainage calculations is based on calculations provided to Mr. Ferrante by McLaren Engineering Group (letter dated 2/24/14.) Mr. DeGennaro notes that since 2009 approximately 3180 SQFT of new impervious surface has been added to the site. It should be noted that the size of the impervious area that Mr. DeGennaro refers to is from a sketch drawing (SK-1 – Exhibit “R”) provided in the aforementioned drainage calculations. This map specifically excludes the unapproved constructed impervious areas. e.g. upper paver patio (behind the house that was formerly a wooden deck), walkways. It also excludes a roofed car port (which is shown on current drawing application) at the south west corner of the lot. It is unclear when the car port was constructed. He also notes that *“The application has provided drainage calculations to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated.”* Mr. DeGennaro also notes, in PB# 10-03, condition 12-1, that the calculations do not include the pool area, which they should.

4. This Department requests applicant to provide proper site plan, and applicant’s engineer to provide drainage calculation if total new impervious is over 400 SQFT. Letter dated 2/20/14.

Therefore, based on the above, this Department has the following comments/ recommendations.

(1). The drainage calculations from McLaren Engineering Group (2/26/14), supplied for the PB# 10-03 submission are incomplete and unacceptable for the following reasons:

- a. The study area, as shown on drawing SK-1 of the calculations (Exhibit “R”), does not include all of the unapproved/ “new” impervious surfaces/ areas: the upper patio (directly behind the house that was formerly a wooden deck as depicted on Exhibit “A”), the walkway from the upper deck to pool area, stone area along upper patio and car port. This means that both the pre and post construction calculations are missing a large portion of area that needs to be included in the calculations.
- b. The drainage calculations purposely exclude the pool area. The pool area is impervious and must be treated as so in the post construction calculations.

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PLANNING BOARD

PB #22-10: Ferrante Site Plan
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.

Permit #35475

Town of Orangetown Planning Board Decision
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Continuation of Condition #11...

- c. In connection with item 1.a and 1.b above, the post construction, impervious sub area analyzed is too small. it excludes impervious areas that must be accounted for.
- (2). Revised drainage calculations, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to this Department for review and approval. These calculations shall include, at a minimum, the following **NEW** impervious areas: the pool (this Department does not consider the pool as pervious as excess stormwater could flow out of the pool during a large storm/ mico burst/ 100 yr. storm, etc.), upper patio immediately behind house (which replaced wood deck), patio around the pool, car port, retaining walls, walkways, pool equipment area, various gravel areas, etc. Please be advised that none of these items can be considered existing as none of them ever received Final Approval from the Planning Board. Therefore, the existing condition of these areas must be grass/ undisturbed/ natural (as shown on Exhibit A) This Department considers the original wood deck as pervious as woods decks were normally constructed over existing natural grades with posts and had gaps between the joints.
- (3). Based on the size of the new impervious area, the applicant's engineer shall design onsite storage to achieve a zero-net increase in runoff from these new impervious areas up to and including the 100-yr. storm.
- (4). There is a drain that is labeled at the end of a gravel areas by the pool equipment location. Is there piping connected to this drain? Where does the piping (if existing)/ drain exhaust? This shall be made part of the required drainage calculations and onsite storage requirement.
- (5). Soil analysis, perc tests and determination of groundwater elevations shall be performed at all proposed surface and subsurface detention system locations. These tests/ investigations shall be performed in the spring or fall when the ground water table is typically at its highest. **These tests shall be performed PRIOR to this proposal receiving Final Approval to ensure the adequacy of the design.** The information/ test results/ elevations shall be added and incorporated into the drainage calculations. This Department shall be notified at least 48 hours in advance of these field tests/ investigations. Copies of all correspondence related to this issue shall be submitted to this Department. The applicant's engineer is reminded that, as per the NYSDEC Stormwater Management Design Manual, "*The bottom of the infiltration facility shall be separated by at least three (3) feet vertically from the seasonally high ground water table or bedrock layer.*"

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Continuation of Condition #11...

(6). Soil erosion and sediment control plans and details shall be submitted to this Department for review and approval.

(7). A post construction stormwater maintenance agreement for the proposed stormwater systems shall be submitted to this Department and the Town Attorney's office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to this Department, etc.

12. The Town of Orangetown Bureau of Fire Prevention reviewed the information and had no comments at this time.

13. Drainage Review Recommendation – Brooker Engineering

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

Project Description

This is the second drainage review report to the Planning Board for this project; the last review was dated February 26, 2014. The project consists of construction of an above ground swimming pool and patios, which were constructed in about 2009. The total land disturbance is approximately 0.073 acres (3180 square feet).

Project Comments

1. As per the February 24, 2014 review, the drainage calculations assume the pool will store all rainfall over the pool. However, the 100-year 24-hour rainfall utilized is 9.0 inches, which is unlikely to be stored entirely in the pool without overflowing and running off the property. The drainage calculations shall be revised and shall include the drainage area for the pool as an impervious area that contributes stormwater runoff in the post construction drainage analysis.

2. As per the February 24, 2014 review, minor discrepancies between the calculations and site plan shall be corrected. The calculations show 0.059 acres as the subarea generating runoff for post construction conditions, which is based on a pool area of 0.014 acres. The SK-1 drawing shows the pool as having an area of 0.011 acres.

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PB #22-10: Ferrante Site Plan **Permit #35475**
Critical Environmental Area
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14. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:

- A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- A review shall be completed by the NYS Department of Transportation and all required permits obtained.
- A review shall be completed by the Rockland County Department of Highways and all required permits obtained.
- The Village of Grand View-on-Hudson is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the eastern property line of the subject property and the subject property slopes towards the Village of Grand View-on-Hudson. As required under Section 239nn of the State General Municipal Law, the Village of Grand View-on-Hudson must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Town of Orangetown.
- The Land Use Board application indicates that the area of the parcel is 0.73 acres, however the Bulk Table on the site plan indicates that the area of the parcel is 39,100 square feet, which calculates to 0.898 acres. These numbers must be corrected for consistency.

15. Orange and Rockland Utilities reviewed the submitted information and offered the following:

It seems all proposed work will be done in the back of the house and will not be in conflict with the existing service. O&R's new business department must be contacted with any gas load increases. All code 753 rules must still be followed.

16. The pool, pergola, shed and carport shall be certified by a NYS licensed engineer.

17. The applicant shall provide in writing, what is between the pool and dirt, noted on the site plan.

18. 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.

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

20. 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.

BOARD REPORT PAGE

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21. 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.

22. 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.

23. 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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PB #22-10: Ferrante Site Plan **Permit #35475**
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- 24.** The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
- 25.** 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).
- 26.** Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
- 27.** 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
- 28.** 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 Denise Lenihan and carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, absent; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, 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: February 23, 2022
Cheryl Coopersmith
Town of Orangetown Planning Board



2022 FEB 23 11:00 AM
TOWN OF ORANGETOWN
PLANNING BOARD

11 § 3/11/22 11:45AM

**PB #22-10: Databank site Plan– Consultation
Town of Orangetown Planning Board Decision**

**February 23, 2022
Page 1 of 1**

**TO: Michael Jungham, 1 North Lexington Ave., suite 505, White
Plains, New York 10920**
FROM: Orangetown Planning Board

RE: Databank Site Plan – Consultation: The application of Michael Junghans, applicant, for Site Plan Consultation at a site to be known as "Databank 2000 Corporate Drive 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 2000 Corporate Drive, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.15 Block 1, Lot 19 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, February 23, 2022**, the Board made the following determinations:

Leno Sciarretta, Mike Junghans, Paul Leblond and Brian Quinn appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated February 9, 2022.
2. Email from COUPON Hamlets of Orangetown, dated February 23, 2022.
3. A Narrative Summary of the proposed development, submitted by Kimley-Horn, dated January 27, 2022.
4. Site Plan prepared by Kimley-Horn, dated January 27, 2022.
subdivision.
5. Submitted at the meeting, a Preliminary Basis of Design, prepared by Highland Associates and Kimley-Horn, dated February 9, 2022.

The Board and Consult applicant reviewed the submitted information.
The hearing was then opened to the Public.

CONSULTATION: In view of the foregoing and the testimony before the Board, the Board recommended that the applicant proceed with a formal application for Site Plan Review.

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

**Dated: February 23, 2022
Cheryl Coopersmith
Chief Clerk Boards and Commissions**



2022 FEB 23 11:45 AM
TOWN CLERK'S OFFICE
ORANGETOWN, NY