

TOWN OF ORANGETOWN PLANNING BOARD
Meeting of Wednesday, March 23, 2022

MEMBERS PRESENT:

Thomas Warren, Chairman
Michael Mandel
Stephen Sweeney
Denise Lenihan
Andrew Andrews
Michael McCrory
Kevin Farry
Lisa DeFeciani, alternate member

MEMBER ABSENT: None

ALSO, PRESENT: Jane Slavin, Director, Office of Building, Zoning, Planning Administration and Enforcement; Rick Pakola, Deputy Town Attorney; Ann Marie Ambrose, Stenographer, and Katlyn Bettmann, Senior Clerk Typist.

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

Mauro Site Plan	PB#22-13
Critical Environmental Area	
Final Site Plan Review	Final Site Plan
1079 Route 9W, Upper Grandview	Approval Subject
71.09/1/8; R-22 zoning district	to Conditions
	Reaffirmation of SEQRA

Postponed item from the July 14, 2021 Meeting

Mandell Site Plan	PB#21-40
Critical Environmental Area	
Final Site Plan Review	Amendment to Preliminary
and Amendment to PB#17-28	Site Plan Approval Subject to
Preliminary Site Plan Approval	Conditions and
Subject to Conditions, dated	Final Site Plan Approval
26 Shadyside Avenue	Subject to Conditions
Upper Grandview	Reaffirmation of SEQRA
71.05/1/8; R-22 zoning district	

The decisions of the March 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 Mandel, Vice Chairman and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice-Chairman, aye; Stephen Sweeney, recuse; Kevin Farry, aye; Lisa DeFeciani, aye; Michael McCrory, aye; 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 8:10 p.m. The next Planning Board meeting is scheduled for April 13, 2022.

DATED: March 23 2022
Planning Board

Cheryl Cooper Smith
TOWN CLERK'S OFFICE
2022 APR 15 P 1:59
TOWN OF ORANGETOWN

**PB#22-13: Mauro Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit # 51183

**Town of Orangetown Planning Board Decision
March 23, 2022
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**TO: Antimo Del Vecchio, Beattie Padovano, 200 Market Street,
Suite 401, Montvale, New Jersey 07645**
FROM: Orangetown Planning Board

RE: Mauro Site Plan – Critical Environmental Area: The application of Michael Mauro, owner, for Final Site Plan and SEQRA Review at a site known as “**Mauro Site Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 1079 Route 9W, South Nyack in the Critical Environmental Area, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 8 in the R-22 zoning district.

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

Craig Dominick and Antimo Del Vecchio appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated March 9, 2022.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, Director, dated March 11, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 18, 2022.
4. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated March 21, 2022.
5. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated March 7, 2022.
6. Letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated March 14, 2022.
7. Letter and notice from the Rockland County Health Department, signed by Elizabeth Mello, P.E., dated March 4, 2022.
8. Letter from the Rockland County Highway Department, signed by Dyan Rajasingham, P.E., dated February 15, 2022.
9. Email from Rockland and Orange Utilities, from Alfred Gaddi, PE, dated February 9, 2022.
10. Copy of PB#21- 31, Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec. dated May 26, 2021.

RECEIVED
TOWN OF ORANGETOWN
APR 11 2022

**PB#22-13: Mauro Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit # 51183

**Town of Orangetown Planning Board Decision
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11. Dry Well Design prepared by Azzolina & Feury Engineering, dated December 18, 2020, revised May 7, 2021, with attachments prepared by AFR
 - Boundary Survey Map with Limited Topography, dated October 1, 2021,
 - Site Plan, dated December 18, 2020, last revised May 7, 2021
12. Site Plan prepared by Azzolina & Feury Engineering, dated February 1, 2022.
13. Seepage Pit Design prepared by Azzolina & Feury Engineering, dated December 18, 2020, prepared by Craig Dominick, PE.
14. Alterations to the Mauro Residence Plans prepared by Joseph Bruno, AIA, dated January 22, 2022
15. Building Permit Referral dated March 8, 2021 signed by Rick Oliver, Building Inspector.

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

A motion was made to open the public portion of the meeting by Michael Mandel and seconded by Michael McCrory and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel - Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Lisa DeFeciani (alternate member) not voting; Michael McCrory, aye; and Andrew Andrews, aye.

There being no one from the Public, a motion was made to close the Public Hearing portion of the meeting by Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, aye; Stephen Sweeney, aye; Kevin Farry, aye; Lisa DeFeciani, (alternate member) not voting; Michael McCrory, aye; and Andrew Andrews, aye.

Reaffirmation of 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.

TOWN OF ORANGETOWN
PLANNING BOARD
2022 APR 15 PM 4:59
TOWN CLERK'S OFFICE

**PB#22-13: Mauro Site Plan
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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Azzolina & Feury Engineering and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Highway Department, Town of Orangetown Zoning Board of Appeals, Rockland County Department of Planning, Rockland County Sewer District No. 1, and having reviewed proposed Site Plan by prepared by Azzolina & Feury Engineering a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

TOWN OF ORANGETOWN
PLANNING BOARD
APR 15 2022 11:59 AM

**PB#22-13: Mauro Site Plan
Critical Environmental Area
Final 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 **Final Site Plan Approval Subject to the Following Conditions:**

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Site Plan is stamped by the Chief Clerk to the Board and the construction plans are reviewed and approved by the Inspector.
4. The applicant shall revise the Short Environmental Assessment Form as discussed and resubmit to the Planning Board Office.
5. The Town of Orangetown Bureau of Fire Prevention reviewed the plans and had no further comments at this time.
6. Profiles for all proposed drainage piping/ facilities shall be added to the plans.
7. The existing septic system or sanitary house connection location shall be shown on the plan.
8. The proposed silt fence shall be reinforced with hay bales. A detail for same shall be provided.
9. A post construction stormwater maintenance agreement, in accordance with NYSDEC Phase II regulations, for the proposed stormwater systems, shall be submitted to DEME and the Orangetown Town Attorney's Office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with a telephone number, yearly report to be submitted to DEME, etc.

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10. The drainage calculations are currently under review by DEME. However, it is unclear how the total new impervious area was calculated. A table shall be added to the calculations providing a breakdown of existing pervious and impervious area, proposed pervious and impervious areas and areas that are existing impervious and will remain so after construction/ modification. Also, the sizing of the drywell over flow piping and energy dissipator shall be added to calculations.

11. Contrary to PB# decision #21-31, condition #6, a perc test was run without notifying DEME. Also, the perc test results are missing some vital information, such as; where was the perc/deep hole test performed?, Was only one test performed? What method was used to perform the Test. Given the aforementioned, per tests shall be run again and DEME must be notified at least 48 hours in advance of said test. Test results shall be signed/ certified by a NYS PE and added as an appendix to the drainage calculations. A thorough explanation of the testing procedure shall be added to the drainage calculations and with the results obtained.

12. The top and invert elevations for all of the proposed cleanouts along the new drainage line(s) shall be added to the drawings and profiles.

13. The connection for the proposed drainage line from the addition on the north side/ back of house, shall be given on the plans. A detail for same shall be added to the drawings.

14. The proposed soil erosion and sediment control features shall be shown in a darker color (preferably black) so they are easier to distinguish on the plans. Also, a blow up of the site (as is found on Sheet 1 of 5: scale 1"=10') shall be added to the SESC plan.

15. Drainage Review Recommendation – Brooker Engineering

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

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Continuation of Condition #15...

Project Description

This is the third drainage review report for this project; the last review was dated May 13, 2021. The property is located on the east side of Route 9W; the land slopes downhill to the east. The proposed work includes a garage addition on the south side of the existing structure, new decks on the east side of the structure, and new walks on the west and north sides of the structure. Portions of the existing driveway are being removed; there is a net increase in impervious area of 568 square feet. There is a drywell proposed east of the garage to receive increases in stormwater runoff from the new garage. Drainage calculations have been provided that show the new seepage pit can store the entire 24 hour, 100-year rainfall over the new impervious areas.

Project Comments

1. Verify the pipe outlet for the new field inlet at the driveway will be below grade at the low side of the retaining wall.
2. Provide percolation test results on the site plan at the location of the proposed drywell. Verify separation to the groundwater table.
3. Coordinate the rim and invert elevations for the drywell between the Grading Plan and the Drywell Detail.. Provide maintenance requirements and schedule. Show the overflow pipe on the drywell detail.
4. Provide drainage calculations on the site plan showing the required storage has been provided. Use the effective depth of the drywell, i.e. the vertical depth from the invert of the drywell to the pipe out invert elevation.

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

- A review must be completed by the New York State Department of Transportation, any concerns addressed and all required permits obtained.
- The Village of Grand View-on-Hudson is one of the reasons this proposal was referred to Rockland County Department of Planning. The municipal boundary is along the eastern border of the site. As required under Section 239nn of the State General Municipal Law, the villages must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Town of Orangetown.
- An updated review of the February 1, 2022 site plan shall be completed by the Rockland County Department of Health and all required permits obtained. In addition, the applicant must satisfy the conditions of the Rockland County Department of Health letter of May 24, 2021.

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2022 APR 15 P 2:00
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**Town of Orangetown Planning Board Decision
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Continuation of Condition #16...

- Since the parcel is located in a Critical Environmental Area, a review shall be completed by the New York State Department of Environmental Conservation and all required permits obtained.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- Retaining walls that are over 4 feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.
- Rockland County Planning Department previously reviewed two side yard variances for this same proposal, both of which were approved according to the minutes from the November 17, 2021 ZBA meeting; however, the bulk table indicates that these variances are still required. The bulk table must be corrected to indicate if these variances were approved.

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

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

18. The Rockland Department of Highways reviewed the submitted plan and offered the following comment:

The Department believes that the proposed action would have no significant impact on the County Roads, and has no further comments.

19. Orange and Rockland Utilities reviewed the submitted plans and offered the following comment:

O&R has an existing gas main through the common driveway and an existing service entering the dwelling on the south side. The proposed work may be in conflict with the existing services. Please contact new business for any disconnects/ reconnects or load increases. All code 753 rules must be followed.

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

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**Town of Orangetown Planning Board Decision
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21. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.

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

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

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

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

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

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

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2022 APR 15 P 2:00
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**PB#22-13: Mauro Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

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

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

26. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).

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

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

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

TOWN OF ORANGETOWN
MARCH 15 2 00
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Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

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

The foregoing Resolution was made and moved by Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren, Chairman, aye; Denise Lenihan, aye; Michael Mandel - Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Lisa DeFeciani, (alternate member) not voting; Michael McCrory, aye; and Andrew Andrews, aye.

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

Dated: March 23, 2022
Cheryl Coopersmith



TOWN CLERK'S OFFICE
2022 APR 15 P 2:00
TOWN OF ORANGETOWN

PB #21-40: Mandell Plans **Permit #46394**
Critical Environmental Area
Amendment to PB#17-28, Preliminary Site Plan
Approval Subdivision Subject to Conditions, dated June 14, 2017, and

Final Site Plan Approval Subject to Conditions
Reaffirmation of Neg. Dec.

Town of Orangetown Planning Board Decision
March 23, 2022
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TO: John Atzl, 234 North Main Street, New City, New York
FROM: Orangetown Planning Board

RE: Mandell Site Plan: The application of Eduard Mandell, owner, for an Amendment to PB#17-28, Preliminary Site Plan Approval, dated June 14, 2017 and Final Site Plan Review for the construction of a detached garage and retaining walls at a site known as "**Mandell 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 26 Shadyside Avenue, in the Critical Environmental Area, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lot 8 in the R-22 zoning district.

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

Ryan Nasher and Eduard Mandell appeared and testified.

The Board received the following communications:

1. Project Review Committee Reports dated July 7, 2021 and March 9, 2022.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, Director, dated July 6, 2021 and March 11, 2022.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 9, 2021 and March 18, 2022.
4. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated March 21, 2022.
5. Interdepartmental memorandums from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated July 1, 2021 and March 7, 2022.
6. Douglas Schuetz, Acting Commissioner of Planning, dated June 21, 2021.
7. Notice from the Rockland County Department of Highways, signed by Dyan Rajasingham, dated June 15, 2021.
8. Letter and a notice from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated July 6, 2021.
9. Email from Orange and Rockland Utilities from Alfred Gaddi, PE, Principal Engineer, dated June 10, 2021.
10. Copy of a letter from New York State Department of Environmental Conservation to John Atzl, from Michael Lynch, PE, AIA, Director, Division of Historic Preservation, dated June 28, 2017.

TOWN OF ORANGETOWN
2022 APR 15 PM 2:00
TOWN OF ORANGETOWN

PB #21-40: Mandell Plans **Permit #46394**
Critical Environmental Area
Amendment to PB#17-28, Preliminary Site Plan
Approval Subdivision Subject to Conditions, dated June 14, 2017, and

Final Site Plan Approval Subject to Conditions
Reaffirmation of Neg. Dec.

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11. Plans prepared by Atzl, Nasher & Zigler, dated April 17, 2017, revised April 5, 2021, last revised January 31, 2022:
 - Drawing 1: Existing Site
 - Drawing 2: Site Development Plan
 - Drawing 3: Erosion and Sediment Control Plan
 - Drawing 4: Details
12. A Stormwater Management Design Report prepared by Atzl, Nasher & Zigler, dated April 17, 2017, last revised April 5, 2021.
13. Copies of the following Board Decisions: ACABOR #20-33, Approved with Options, dated July 23, 2020; ZBA #20-35; Front Yard and Side Yard Variances Approved, dated June 17, 2020 and PB #17-28, Preliminary Site Plan Approval Subject to Conditions, dated June 14, 2017.
14. Building Permit Referral to the Planning Board dated April 27, 2017 signed by Michael Manzare, Building Inspector.

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

A motion was made to open the Public Hearing portion of the meeting by Michael Mandel, Vice Chairman and seconded by Michael McCrory and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel - Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Lisa DeFeciani, (alternate) not voting; Michael McCrory, aye; and Andrew Andrews

There being no one from the Public, a motion was made to close the Public Hearing portion of the meeting by Michael Mandel – Vice Chairman and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel - Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Lisa DeFeciani, (alternate member) not voting; Michael McCrory, aye; and Andrew Andrews, aye.

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, Atzl, Nasher & Zigler, 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, New York State Department of Transportation, New York State Department of Environmental Conservation, and having reviewed the drawings presented by the applicant's professional consultants; Atzl, Nasher & Zigler a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

2022 APR 15 PM 2:00
TOWN OF ORANGETOWN

PB #21-40: Mandell Plans **Permit #46394**
Critical Environmental Area
Amendment to PB#17-28, Preliminary Site Plan
Approval Subdivision Subject to Conditions, dated June 14, 2017, and

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Reaffirmation of Neg. Dec.

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

On motion by Michael Mandel, Vice-Chairman and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel - Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Lisa DeFeciani, (alternate member) not voting; Michael McCrory, aye; and Andrew Andrews, aye; the Board made a Negative Declaration pursuant to SEQRA.

TOWN OF ORANGETOWN
2022 APR 15 P 2:00
TOWN OF ORANGETOWN

PB #21-40: Mandell Plans **Permit #46394**
Critical Environmental Area
Amendment to PB#17-28, Preliminary Site Plan
Approval Subdivision Subject to Conditions, dated June 14, 2017, and

Final Site Plan Approval Subject to Conditions
Reaffirmation of Neg. Dec.

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DECISION: In view of the foregoing and the testimony before the Board, the application was granted an **Amendment to Preliminary Site Plan, PB#17-28, dated June 14, 2017 Subject to the following Conditions:**

1. The proposed Garage shall be removed from the Site Plan. The drawings reviewed as part of the Preliminary Approval, PB#17-28, included a proposed garage. The applicant has advised that he does not intend to build the garage at this time and it has been eliminated from Scope of Work. The applicant has been advised that in the future if he intends to construct the garage, he must make apply for a new Building Permit and obtain the required land use Board approvals.
2. All other conditions of PB#17-28, dated June 14, 2017 shall remain in effect.

The foregoing Resolution was made and moved by Michael Mandel, Vic-Chairman and seconded by Stephen Sweeney and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Lisa DeFeciani, (alternate member) not voting; Michael McCrory, aye; and Andrew Andrews, aye.

DECISION: In view of the foregoing and testimony before the Board, the applicant 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.

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3. Retaining wall details as designed by a NYS structural engineer shall be supplied.
4. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Site Plan is stamped by the Chief Clerk to the Board and the construction plans are reviewed and approved by the Inspector.
5. The Town of Orangetown Bureau of Fire Prevention reviewed the submitted information and had no comments at this time.
6. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to DEME and the Town of Orangetown Town Attorney's office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc.
7. The elevation of the referenced benchmark shall be added to Note #7.
8. During the Project Review Committee Meeting of March 9, 2022, the applicant/ applicant's engineer state that while they have currently removed the proposed detached garage from the current plans, the applicant intends to come back to the Board in the future to seek approval for said garage. DEME recommends that the impervious area that the garage will create, be added to the current drainage calculations and the stormwater system be designed to accommodate this runoff. This will save time, money and land disturbance in the future.
9. The proposed drywell shall be "pulled" further uphill, away from the existing ditch to the west, away from the stream. Also, an overflow for the drywell shall be designed and shown with an energy dissipater at the pipe exhaust. Details for same shall be added to the drawings.
10. The location of the perc test/ test hole, shall be given on Drawing 2.
11. The revised drainage calculations are under review by DEME.

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12. The Drainage Consultant to the Planning Board, Brooker Engineering has reviewed the submitted information and found that the applicant has provided sufficient information to demonstrate that the proposed project can provide a zero-net increase in peak stormwater runoff rates and can mitigate potential significant adverse impacts with respect to stormwater quantity and therefore recommend that the Mandell Site Plan be approved for drainage subject to the following Project Comments.

Project Description

This is the third drainage review report for this project; the last review was dated July 13, 2021. The property is located on the east side of Shadyside Avenue and the land slopes downhill to the east. There is an existing single-family residence on the site and a 40 feet wide drainage easement along the north property line. There are existing drainage channels along the north and south property lines. The south channel has a 12-inch diameter pipe discharging to the channel. The north drainage channel receives flow from a paved swale from the driveway. Both channels discharge to the property to the east (tax lot 71.05-1-8). The current application removes the detached garage that was previously proposed. A proposed deck is located along the south side of the property. Patios and additional impervious areas are proposed in the rear yard. A drywell system is provided to receive runoff from the existing roof line to compensate for increases in impervious area elsewhere on the property.

Project Comments

1. As per the July 13, 2021 and June 12, 2017 drainage review reports, the source of stormwater runoff conveyed to the 12-inch pipe on the south side shall be added to the survey. The survey shall verify if any stormwater from the piped drainage system on Shadyside Avenue is conveyed to the site.
2. As per the July 13, 2021 and June 12, 2017 drainage review reports, show the impervious surface calculations on the existing and proposed watershed maps.
3. Show the drainage area of the roof line that is to be conveyed to the drywell system on the Site Development Plan.
4. The drywell detail has a solid cover and the overflow point is at the roof leader downspout at the house, which is a difference in elevation of approximately 15 feet. Provide calculations that demonstrate that the pressure from the surcharged drywell will not uplift the solid cover. Show an overflow path from the downspout away from the house and new walls and toward the "Flow Diffuser".

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

- A review shall be completed by the New York State Department of Transportation, any concerns addressed, and any required permits obtained.
- 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 Department of Health, any concerns addressed, and any required permits obtained.
- Since the parcel is located in a Critical Environmental Area, a review shall be completed by the New York State Department of Environmental Conservation and any required permits obtained.
- Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- The Town of Orangetown must monitor the site to ensure that the additional run-off does not result in downhill drainage issues to either the adjacent property owner or the State Highway.
- 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.

14. The Rockland County Department of Health reviewed the submitted information and provided the following comment: application is to be made to them for review of the Stormwater management system to ensure compliance with the County Mosquito Code.

15. Orange and Rockland Utilities reviewed the submitted information and noted that O&R has an existing gas service to 26 Shadyside Avenue. The proposed work may be in conflict with the existing service. Please contact O&R's new business for any terminations and reconnects. All code 753 rules must be followed.

16. The New York State Office of Parks, Recreation and Historic Preservation (OPRHP) reviewed the submitted information and offered the following comment: The project will have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.

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17. 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.

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

19. **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.

APPROVED
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20. 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.

21. 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.

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

23. 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).

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

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

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26. 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, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Lisa DeFeciani, (alternate member) not voting; Michael McCrory, aye; and, Andrew Andrews aye.

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

Dated: March 23, 2022
Cheryl Coopersmith



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TOWN CLERK'S OFFICE