

TOWN OF ORANGETOWN PLANNING BOARD
Meeting of Wednesday, May 24, 2023

MEMBERS PRESENT:

Thomas Warren, Chairman
Michael Mandel, Vice Chairman
Kevin Farry Lisa DeFeciani
Denise Lenihan Michael McCrory

MEMBER ABSENT: Andrew Andrews and Tara Heidger, (alternate member)

ALSO, PRESENT: Rick Oliver, Building Inspector, Office of Building, Zoning, Planning Administration and Enforcement, Rick Pakola, Deputy Town Attorney; Ann Marie Ambrose, Stenographer, and Katlyn Bettmann, 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:

Tappan Fire District Site Plan	PB #23-23
Western Highway Site	Final Site Plan Approval
Final Site Plan and SEQRA Review	Subject to Conditions
300 Western Highway, Tappan	
74.18/2/35; R-15 zoning district	

500 Bradley Hill Road Site Plan	PB #23-24
Prepreliminary/Preliminary/Final	Continued to the
Site Plan and SEQRA Review	July 12, 2023 Meeting
500 Bradley Hill Road, Blauvelt	SEQRA: Lead Agency
65.18/1/9; LI zoning district	

Pfizer Site Plan	PB #23-25
Prepreliminary/Preliminary/Final	Continued: Revise
Site Plan and SEQRA Review	Plans
400 N. Middletown Road, Pearl River	SEQRA: Lead Agency
68.08/1/5; LI zoning district	

St. Dominic Family Services Subdivision Plan	PB #23-26
Final Subdivision Plan Review	Final Subdivision Plan
500 Western Highway, Blauvelt	Approval Subject to
74.06/3/1.1; R-40 zoning district	Conditions

Ferrante Site Plan	PB #23-27
Critical Environmental Area	Final Site Plan Approval
Final Site Plan Review	Subject to Conditions
1031 Route 9W, Upper Grandview	
71.09/1/17; R-22 zoning district	

The Reserve at Pearl River Performance Bond	PB #23-28
Recommendation to the Town Board to	Recommended to the
Establish the Value and Term of the	Town Board
Performance Bond	
73.10/1/6; OP/PAC zoning district	

TOWN OF ORANGETOWN
2023 JUN 19 P 12:01
TOWN CLERK'S OFFICE

May 24, 2023 Planning Board Meeting

The decisions of the April 26, 2023 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel and seconded by Kevin Farry carried as follows: Thomas Warren, Chairman, aye; Michael Mandel, Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, absent; Denise Lenihan, abstain; Kevin Farry, aye; Tara Heidger, (alternate member), absent; and Lisa DeFeciani, aye.

The decisions of the May 10, 2023 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel and seconded by Kevin Farry carried as follows: Thomas Warren, Chairman, aye; Michael Mandel, Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, absent; Denise Lenihan, abstain; Kevin Farry, aye; Tara Heidger, (alternate member), absent; and Lisa DeFeciani, aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Michael McCrory and seconded by Kevin Farry and agreed to by all in attendance. The meeting was adjourned at 9:30 p.m. The next Planning Board meeting is scheduled for June 14, 2023.

Dated: May 24, 2023

Cheryl Coopersmith
Cheryl Coopersmith, Town of Orangetown Planning Board

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2023 JUN 16 P 12:02
TOWN CLERK'S OFFICE

**PB #23-23: Tappan Fire District Site Plan Permit #BLDC-1341-22
Western Highway Site
Final Site Plan Approval Subject to
Conditions**

**Town of Orangetown Planning Board Decision
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**TO: Atzl, Nasher & Zigler
234 Main Street, New City, New York
FROM: Orangetown Planning Board**

RE: Tappan Fire District Site Plan-Western Highway Site: The application of Thomas Quinn- Tappan Fire District, applicant, for Volunteer Fire Association of Tappan, Inc., owner, for Final Site Plan Review at a site known as **"Tappan Fire District Site Plan-Western Highway Site"**, 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 300 Western Highway, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.18, Block 2, Lot 35 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 24, 2023 meeting**, at which time the Board made the following determinations;

Thomas Quin, Ryan Nasher, and Jeff Sendlewski appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated May 10, 2023.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, Director, dated May 17, 2023.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 22, 2023.
4. Interdepartmental memorandums from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated April 28, 2023.
5. A letter from Brooker Engineering, signed by Kenneth DeGennaro, dated May 22, 2023.
6. Letter and a notice from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated May 22, 2023 and Jake Palant, dated April 29, 2023.
7. Letter and notice from Rockland County Department of Health, signed by Elizabeth Mello, PE, dated May 2, 2023.
8. Email from Orange and Rockland Utilities, from Alfred Gaddi, dated April 27, 2023.

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**PB #23-23: Tappan Fire District Site Plan Permit #BLDC-1341-22
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9. The following plans were submitted:

- *Site Plans prepared by Atzl, Nasher & Zigler, dated June 24, 2022, last revised July 15, 2022.*
- Architectural Plans prepared by Sendlewski Architects, undated.

10. Copies of the following Board Decisions: ACABOR 23-05, Approved as Presented, dated January 5, 2023, ZBA #22-73, Variances Approved: Front Yard, and Side Yard, dated December 7, 2022 and PB #22- 55, Preliminary Site Plan Approval Subject to Conditions, dated October 12, 2022.

The Board reviewed the information and plans and open the meeting up to the Public.

A motion was made to open the Public Hearing portion of the meeting by Michael Mandel, Vice Chairman and second by Denise Lenihan and carried as follows: Thomas Warren, Chairman, aye; Michael Mandel, Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, absent; Denise Lenihan, aye; Kevin Farry, aye; Tara Heidger, (alternate member), absent; and Lisa DeFeciani, aye.

There being no one to be heard from the Public, a motion was made to Michael Mandel, Vice Chairman and second by Lisa DeFeciani and carried as follows: Thomas Warren, Chairman, aye; Michael Mandel, Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, absent; Denise Lenihan, aye; Kevin Farry, aye; Tara Heidger, (alternate member), absent; and Lisa DeFeciani, 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.

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 Atzl, Nasher & Zigler and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of

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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 Highways, Rockland County Sewer District No.1, Rockland County Department of Health and having reviewed a proposed Site Plan, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall comply with all pertinent and applicable conditions of prior Board Decisions: ACABOR 23-05, Approved as Presented, dated January 5, 2023, ZBA #22-73, Variances Approved: Front Yard, and Side Yard, dated December 7, 2022 and PB #22- 55, Preliminary Site Plan Approval Subject to Conditions, dated October 12, 2022.
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 Planning Board and the construction plans are reviewed and approved by the Building Inspector.
5. The 9th parking space from Western Highway shall be made a Handicap parking space.
6. As per the Rockland County Department of Planning letter dated May 22, 2023, comment #6; a berm or "low evergreen plantings shall be placed in front of the parking spaces facing the northern property line to shield headlights from shining into the adjacent residential properties" In addition to the possible impact of headlights, proper sight distance shall be obtained.
7. Drawing 1 lists the lot area as 90,393 SF (2.07 acres.) However, a note on the site plan itself, just below the new proposed 2.5 story building, lists a lot area of 53,133 SF (1.2198 acres.) This discrepancy shall be corrected.

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8. If kitchen facilities are proposed for the new 2.5 story building, the applicant is advised that the Town of Orangetown has a F.O.G. (Fat, Oil and Grease) program, which must be complied with. The applicant shall contact the Town's F.O.G. Coordinator to determine this application's compliance with the F.O.G program.

9. Iron pins shall be drawn and labeled at each property corner. If not currently installed, the applicant shall label as such and install.

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

11. The total area of disturbance shall be listed on drawings 3 & 5.

12. All of the existing storm drainage manholes. Catch basins on the site shall be given unique Id names/ numbers. These names/ numbers shall be given on the plans and profiles.

13. A sediment depth marker shall be added to the vegetated swale. A detail for same, indicating when 20% of the swale's design depth has been filled in by sediment, shall be added to the plans and details.

14. The slope of the proposed sanitary building connection is too low. The minimum slope is 2%.

15. The proposed sanitary building connection shall be placed downstream of the existing cleanout, to avoid short circuiting the flow from the existing firehouse.

16. A profile for the new sanitary building connection shall be added to the plans.

17. The stabilized construction entrance shall be relocated to be near the proposed construction.

18. The construction stormwater maintenance agreement is under review by DEME.

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

Construction Plans shall include the following information:

- Installation of a NFPA 13 compliant sprinkler system is required.
- Installation of a fire alarm system to the NFA 72 standard.

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20. Drainage Review- Brooker Engineering

The application has provided stormwater detention that can mitigate potential significant impacts with respect to drainage. Brooker Engineering, the Planning Board's Drainage Consultant therefore recommends that the Tappan Fire District – Western Highway Site Plan be approved for drainage subject to the following Project Comments.

Project Description

This is the second drainage review report for this project; the last review was dated October 12, 2022. The proposed action consists of the construction of a new 26 feet by 26 feet 2.5 story building in the rear (west side) of the site, behind the existing firehouse. A terrace is proposed behind the proposed new building for an increase in impervious area of approximately 3,500 SF. For this submission, a vegetated swale stormwater management system is proposed to receive stormwater rainfall runoff from the new impervious areas and provide mitigation of increases in stormwater runoff.

Project Comments

1. Show drainage structures on the terrace that will divert stormwater to the detention system.
2. Provide more detail for grading of the terrace that will direct stormwater away from the new structure.
3. Confirm the terrace elevation of 139.0-139.5 that is above the finished second floor elevation of 138.5. If the grades are correct, show the stair locations and exterior drainage if the stairs are outside the new building.
4. Correct the watershed limits in the stormwater report to account for additional runoff from the west and north sides of the property that will be directed to the detention system.
5. Provide a maintenance schedule of the cultic system on the Site Plan or a reference to the maintenance schedule on the Site Plan.

21. The Rockland County Department of Planning had the following comments that are to be made part of the conditions:

1. As per the Rockland County Department of Health's letter of May 2, 2023, an application must be submitted to them for review of the stormwater management system to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
2. An updated review must be completed by the Rockland County Highway Department and all required permits obtained.

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Continuation of Conditions #21...

3. **At least one of the 23 parking spaces provided shall be reserved for the handicapped as required by the State Law.** The location of such space(2) shall permit barrier-free access for the handicapped to the proposed buildings and facilities, when required. All such spaces shall be designated by signs on stanchions as well as by ground markings and clearly delineated on the site plan drawing. Any handicap spaces shall be located in close proximity to the building entrance.
 4. The lighting plan indicates an intensity of up to 4.1 lumens where the property abuts Western Highway. **The lighting must either be decreased in intensity or shielded to ensure that the lumens does not exceed 0.1 along any of the property lines.**
 5. **Directional arrows indicating traffic flow must be delineated on the site plan and in the field. Traffic flow must be one way along the perimeter of the building due to the narrow width of the travel aisle and angled parking spaces along the south side of the parking area.**
 6. **Low evergreen landscaping or a berm must be provided in front of the parking spaces facing the northern property line to shield headlights from shining into the adjacent residential properties.**
- 22.** Based on the information provided the Rockland County Health Department (RCDOH) offered the following comment.
1. Application is to be made to the RCDOH for review of the stormwater management system for compliance with County Mosquito Code.
- 23.** Orange and Rockland Utilities reviewed the submitted information and based on its maps, the proposed work may be in conflict with the existing gas service. Please contact O & R new business department for any disconnects/ reconnects and load increases. All code 753 rules must be followed.
- 24.** All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.
- 25.** The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans and submit revised plans with all conditions of all Board Decisions prior to signing the final plans.

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

27. 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.

28. 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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29. 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.

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

31. 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).

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

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

The foregoing Resolution was made and moved by Michael Mandel, Vice Chairman and second by Denise Lenihan and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye, Tara Heidger, (alternate member), absent and Andrew Andrews, absent.

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

Dated: May 24, 2023

Town of Orangetown Planning Board



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**PB #23-26: St. Dominic Family Services Resubdivision Plan
Final Resubdivision Plan Approval Subject to Conditions
Approval Subject to
Conditions**

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**TO: Jesse Cokeley, Collier Engineering, 50 Chestnut Ridge Road,
Montvale, New Jersey**
FROM: Orangetown Planning Board

**RE: Saint Dominic's Family Services Resubdivision Plan, a
continued item:** The application of Saint Dominic's Family Services, applicant for Sisters of St. Dominic of Blauvelt, New York, owner, for Final Re-Subdivision Plan Review at a site known as "**Saint Dominic's Family Services Resubdivision 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 500 Western Highway, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.06, Block 3, Lot 1.1 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 24, 2023**, the Board made the following determinations:

Brian Quinn, Jesse Cokeley appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated May 10, 2023.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, Director, dated May 17, 2023.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 22, 2023.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief, dated August 26, 2022.
5. Letter from Rockland County Department of Planning signed by Douglas Schuetz, Acting Commissioner, dated April 25, 2023.
6. Letter from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated April 20, 2023.
7. Email from Jesse Cokeley, Colliers Engineering, dated May 17, 2023.
8. Letters from Colliers Engineering, signed by Jesse Cokeley, PE, Geographic Discipline Leader, dated March 21 and May 17, 2023.
9. Letter from Emanuel Law, dated May 17, 2023, signed by Ira Emanuel, Esq.
10. Project Narrative submitted by the applicant, dated April 24 2023.
11. Subdivision Plan prepared by Collier Engineering and Design, dated May 18, 2022, last revision date of March 21, 2023.
12. Copies of the following Board Decisions: ZBA 22-58, Variances Approved, dated September 21, 2022 and PB #22-43, Preliminary Resubdivision Plan Approval Subject to Conditions, dated September 14, 2022.

EMANUEL LAW

ESQ.

1000 WESTERN HIGHWAY
BLAUVELT, NY 10985

**PB #23-26: St. Dominic Family Services Resubdivision Plan
Final Resubdivision Plan Approval Subject to Conditions
Approval Subject to
Conditions**

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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 Denise Lenihan and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye, Tara Heidger, (alternate member), absent and Andrew Andrews, absent.

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 Kevin Farry and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, aye; Kevin Farry, aye; Lisa DeFeciani, aye, Tara Heidger (alternate member), absent; Michael McCrory, aye; and Andrew Andrews, absent.

Reaffirmation of SEQRA

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 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 Health Department, Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District No. 1, and having reviewed proposed Site Plan a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;

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**PB #23-26: St. Dominic Family Services Resubdivision Plan
Final Resubdivision Plan Approval Subject to Conditions
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- 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 Michael McCrory carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye, Tara Heidger, (alternate member), absent and Andrew Andrews, absent, the Board made a Negative Declaration pursuant to SEQRA.

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

1. The following note shall be placed on the 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.

2023 MAY 24 11:01 AM

ST. DOMINIC FAMILY SERVICES

1000 W. PALM BEACH BLVD.

**PB #23-26: St. Dominic Family Services Resubdivision Plan
Final Resubdivision Plan Approval Subject to Conditions
Approval Subject to
Conditions**

**Town of Orangetown Planning Board Decision
May 24, 2023
Page 4 of 7**

4. The Town of Orangetown Bureau of Fire Prevention reviewed the plans and had no further comments at this time.
5. All existing easements and dedications shall be shown on the plan, including page and liber or instrument number, **metes and bounds and ownership**.
6. All existing sanitary and storm sewer mains shall be shown on the drawing(s), contrary to the applicant's engineer's letter of March 21, 2023, the requested information is NOT on the Subdivision plat.
7. Monuments shall be drawn and labeled at all subdivision corners and along the entire Right of Way.
8. A legend shall be added to the drawing(s).
9. Full size "Drainage Exhibit" and "Sanitary Exhibit" plans shall be submitted for review and approval. Also, the 1/2 scale plans submitted do not appear to show any easements. As previously request, all proposed easements, with metes & bounds and proposed ownership, shall be shown on these drawings and the subdivision plat.
10. DEME disagrees with the applicant's engineer's letter of 3/21/23, response #10. Metes and bounds **ARE** required for easements and shall be shown for all proposed sanitary and storm easements. See comment #9 above.
11. The actual locations of all existing easements shall be shown on the plans, not the approximate location.
12. The existing sanitary sewer easement, running along Western Highway, shall be shown on the subdivision plat, including, metes & bounds, width, ownership, etc. See comments 1-8, 1-9, 2, 4 above.
13. It appears that the proposed "shared" sanitary sewers on the Sanitary Exhibit plan, do not extend to the proposed property line. This shall be corrected.
14. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - The applicant must comply with the conditions of the Rockland County Highways Department's letter of April 20, 2023
 - A review shall be completed by the Rockland County Department of Health, to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

PLANNING BOARD

MAY 24 2023

ORANGETOWN, FL

**PB #23-26: St. Dominic Family Services Resubdivision Plan
Final Resubdivision Plan Approval Subject to Conditions
Approval Subject to
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**Town of Orangetown Planning Board Decision
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Continuation of Condition #14...

- **Once a subdivision has been approved, a filed application cannot be used to convey property, nor can the tax maps be updated with the lot changes, until the deeds are filed with the County Clerk, conveying the portions of the lots that are required to achieve the lot configuration indicated on the subdivision map. The applicant and the Town must make sure that the deeds are properly filed with the County Clerk's office to ensure that the tax maps are properly updated.**
- **The Rockland County 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).**

15. The Rockland County Department of Highway reviewed the submitted information and provided the following comments:

- **The proposed 2-lot subdivision requires a permanent access, drainage, and utility easements. These permanent easements shall be clearly defined in the subdivision map and recorded in the Rockland County Clerk Office.**

16. The second sheet shall be added to the plat that shows the easements and their descriptions in a clear, enlarged format. A note shall be added to Page one of the plan set that it is incomplete without page 2.

17. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision 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 Subdivision 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.**

[Faint, illegible text or stamp]

**PB #23-26: St. Dominic Family Services Resubdivision Plan
Final Resubdivision Plan Approval Subject to Conditions
Approval Subject to
Conditions**

**Town of Orangetown Planning Board Decision
May 24, 2023
Page 6 of 7**

Continuation of Condition #19...

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.

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.

PLANNING BOARD
TOWN OF ORANGETOWN
MAY 24 2023

**PB #23-26: St. Dominic Family Services Resubdivision Plan
Final Resubdivision Plan Approval Subject to Conditions
Approval Subject to
Conditions**

**Town of Orangetown Planning Board Decision
May 24, 2023
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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, 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).

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

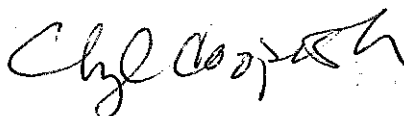
26. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

27. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Subdivision Plan Approval pursuant to Town Code §21 and §6A.

The foregoing Resolution was made and moved by Michael Mandel and seconded by Michael McCrory and carried as follows: Thomas Warren, Chairman, aye; Denise Lenihan, aye; Michael Mandel - Vice Chairman, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Tara Heidger, (alternate member), absent, Michael McCrory, aye; and Andrew Andrews, absent.

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

Dated: May 24, 2023
Cheryl Coopersmith



CHERYL COOPERSMITH
TOWN CLERK
ORANGETOWN, FLORIDA

**PB #23-10: Ferrante Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit #35475

**Town of Orangetown Planning Board Decision
May 24, 2023
Page 1 of 8**

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

RE: Ferrante Site Plan– Critical Environmental Area: The application of Lisa Ferrante, owner, for Final Site Plan at a site known as “**Ferrante 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 1031 Route 9W, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 17 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **May 24, 2023** at which time the Board made the following determinations:

Jay Greenwell and Donald Brenner appeared and testified before the Board.

1. Project Review Committee Report dated May 10, 2023.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, from Jane Slavin, Director, Deputy Building Inspector dated May 17, 2023.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated May 22, 2023.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated April 28, 2023.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, dated May 17, 2023.
6. Letter from the New York State Department of Transportation, signed by Brandon Robuck, PE, dated April 3, 2023.
7. A letter from the Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated May 5, 2023.
8. Email from Orange and Rockland Utilities from Alfred Gaddi, PE, dated April 4, 2023.
9. Letter from the Village of Grand View-on-Hudson, signed by Julie Pagliaroli, Village Clerk/Treasurer, dated May 16, 2023.
10. Copy of the revised Short Environmental Assessment Form, signed by Donald Brenner, dated April 3, 2023.
11. Copies of the following Board Decisions: ACABOR #23-07, dated March 2, 2023, ZBA #23-05, Approved, dated January 18, 2023, and PB#22-10, Preliminary Site Plan Approval Subject to Conditions, dated February 23, 2022.
12. Building Permit Referral to the Planning Board dated August 27, 2020 prepared by Rick Oliver, Building Inspector.

**PB #23-10: Ferrante Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

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**Town of Orangetown Planning Board Decision
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13. Plans prepared by Jay Greenwell, PLS; last revision date of January 23, 2023

- Sheet 1 of 2: As Built Pool Site Plan, dated August 27, 2020,
- Sheet 2 of 2: Drainage Plan, dated May 13, 2022

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 Michael Mandel, Vice Chairman and seconded by Denise Lenihan and carried as follows: Thomas Warren, Chairman, aye; Denise Lenihan, aye; Michael Mandel - Vice Chairman, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Tara Heidger, (alternate member), absent, Michael McCrory, aye; and Andrew Andrews, absent.

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 Denise Lenihan and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, aye; Kevin Farry, aye; Lisa DeFeciani, aye, Tara Heidger, (alternate member), absent; Michael McCrory, aye; and Andrew Andrews, absent.

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.

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 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:

**PB #23-10: Ferrante Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit #35475

**Town of Orangetown Planning Board Decision
May 24, 2023
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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 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 Denise Lenihan and carried as follows: Thomas Warren, Chairman, aye; Denise Lenihan, aye; Michael Mandel - Vice Chairman, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Tara Heidger, (alternate member), absent, Michael McCrory, aye; and Andrew Andrews, absent, 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."

**PB #23-10: Ferrante Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit #35475

**Town of Orangetown Planning Board Decision
May 24, 2023
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2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.
4. The roofed car port is shown as being located 1.3' over the property line on 9W. The structure must be removed or a hold harmless agreement must be filed and reviewed by the Town of Orangetown.
5. The applicant still needs to comply with PB Decision #22-10, conditions:
 - 11-4.) 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.
 - 11-5.) 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. DEME 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 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."*
 - 11-7.) A post construction stormwater maintenance agreement for the proposed stormwater systems shall be submitted to DEME and the Town Attorney's office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc.

6. The drainage calculations supplied are under review.

7. The location of the proposed subsurface is not acceptable. The existing slope in the area of the subsurface stormwater system is approximately 43.5%. This is an extremely steep area and a subsurface stormwater system is not a good fit for this area. A subsurface stormwater practice, in an area with this extreme slope, could be problematic with respect to slope stability, excessive hydraulic gradients, sediment delivery, washout, excessive velocity leading to the system, etc. Why is the proposed system at the "bottom" of the site? How with the area be accessed to install the stormwater water system and related piping? This necessarily means more disturbance to get to the location and more piping to bring stormwater to this location.

8. In conjunction with comment #3, DEME strongly recommends that the proposed stormwater practice be relocated further uphill, closer to the residence/pool, especially because this area is not as steep.

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

10. 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 third drainage review report to the Planning Board for this project; the last review was dated February 22, 2022. The project consists of construction of an above ground swimming pool and patios, which were constructed in about 2009. The drainage calculations propose mitigation for the increase in impervious area from 2009 (6,104 SF) to the present conditions (11,899 SF), an increase of 5,795 SF. An underground stormwater management system is proposed along the east side of the parcel, which overflows to the Erie Path. The detention system provides approximately 1400 CF of storage, which translates to about 2.9 inches of rainfall runoff from the additional impervious areas. The total land disturbance is approximately 0.16 acres (7000 SF)The total land disturbance is approximately 0.073 acres (3180 square feet).

Continuation of Condition #10...

Project Comments

1. Show how the impervious areas for the design areas to be mitigated will be directed to the stormwater management system.
2. Show cross connection pipes for the detention system and details for the design of access ports.
3. Provide an east/west section for the detention system showing existing/ finished grades and inverts of all rows of detention pipe.
4. Provide a detail for the overflow pipe; verify the overflow pipe will not reduce the effective depth of the system.
5. Provide a detail and show the location on the site plan for the "splitter manhole" referenced in the drainage report.

11. The New York State Department of Transportation reviewed the submitted information and held that NYSDOT does not anticipate direct impacts to the State's highway system associated with the project at this time.

12. The Village of Grand View-on-Hudson reviewed the submitted information that the soil and erosion controls be required and enforced on this project. Also, if there are any bridges, steps, walkways or other intrusions onto Hader Park be removed from the Village's property.

13. Orange and Rockland Utilities reviewed the submitted information and offered the following:
The proposed landscaping/ grading may be in conflict with the existing gas service. O&R's new business department must be contacted with any gas load increases. All code 753 rules must still be followed.

14. 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.

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

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

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

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

- a. No construction equipment shall be parked under the tree canopy.
 - b. There will be no excavation or stockpiling of earth underneath the trees.
 - c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
 - d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.
- The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

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

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

TOWN OF ORANGETOWN
2023 JUN 19 P 12:04
TOWN CLERK'S OFFICE

**PB #23-10: Ferrante Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit #35475

**Town of Orangetown Planning Board Decision
May 24, 2023
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21. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.

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

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

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

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

The foregoing Resolution was made and moved by Michael Mandel, Vice Chairman and second by Denise Lenihan and carried as follows: Thomas Warren, Chairman, aye; Denise Lenihan, aye; Michael Mandel - Vice Chairman, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Tara Heidger, (alternate member), absent, Michael McCrory, aye; and Andrew Andrews, absent.

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

**Dated: May 24, 2023
Cheryl Coopersmith
Town of Orangetown Planning Board**



TOWN OF ORANGETOWN
PLANNING BOARD
MAY 24 2023

**PB #23-28: The Reserve at Pearl River
Recommendation to the Town Board
to Establish Value and Term of Performance Bond**

**Town of Orangetown Planning Board Decision
May 24, 2023
Page 1 of 2**

TO: Donald Brenner, 4 Independence Ave., Tappan, New York
FROM: Town of Orangetown Planning Board

RE: The Reserve at Pearl River Performance Bond: The application of the Reserve at Pearl River, LLC, applicant; for Hunter Douglas, Inc., owner, for a Recommendation to the Town Board to Establish the Term and Value of the Performance Bond at a site 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 21 of the Code of the Town of Orangetown. 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 meeting held **Wednesday, May 24, 2023**, at which time the Board made the following determinations:

The Board received the following communications:

1. Project Review Committee Report dated May 10, 2023.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated May 17, 2023.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 8, 2023.

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

A motion was made to open the Public Hearing portion of the meeting by Michael Mandel, Vice Chairman, and second by Michael McCrory and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Andrew Andrews, absent; Tara Heidger, (alternate member), absent and Lisa DeFeciani, aye.

A motion was made to close the Public comment by Michael Mandel, Vice Chairman and section by Michael McCrory and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Andrew Andrews, absent Tara Heidger, (alternate member), absent 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 May 8, 2023.

BOARD SECRETARY
MAY 24 2023
TOWN OF ORANGETOWN

**PB #23-28: The Reserve at Pearl River
Recommendation to the Town Board
to Establish Value and Term of Performance Bond**

**Town of Orangetown Planning Board Decision
May 24, 2023
Page 2 of 2**

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 May 24, 2025, 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 Reserve at Pearl River Site Plan are as follows:

ITEM		
Iron Pins	\$	1,350.00
As-Builts		18,000.00
Soil Erosion and Sediment Control		976,100.00
Sanitary Sewers		213,645.00
	Sub-Total	\$ 1,209,095.00
Administrative Close -out (10% of Sub-Total)		120,909.50
	Total Bond	<u>\$1,330,004.50</u>

Inspection Fee: \$ 36,272.85
(3% of Sub-Total of original Bond amount)

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

The foregoing Resolution was made and moved by Michael Mandel, Vice Chairman and second by Michael McCrory and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Andrew Andrews, absent; Tara Heidger, (alternate Member), 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: May 24, 2023
Town of Orangetown Planning Board



TOWN CLERK'S OFFICE
2023 JUN 19 P 12:04
TOWN OF ORANGETOWN