

Meeting of July 27, 2016
Town of Orangetown Planning Board

MEMBERS PRESENT: Kevin Garvey, Chairman; Bruce Bond, Vice Chairman
Michael Mandel; Robert Dell; William Young; Stephen Sweeney and
Thomas Warren

MEMBER ABSENT: None

ALSO PRESENT: John Giardiello, Director, Department of Building, Zoning,
Planning Administration and Enforcement; Robert Magrino, Deputy Town
Attorney; Ann Marie Ambrose, Stenographer and Cheryl Coopersmith,
Chief Clerk

The Cunningham House Site Plan Tappan Historic District Parking Lot & Fence Plan Prepreliminary/Preliminary Site Plan & SEQRA Review 118 Main Street, Tappan 77.11/3/2; CS zoning district	PB #15-56 Preliminary Site Plan Approval Subject to Conditions Neg. Dec.
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7 Tweed Boulevard Plan Critical Environmental Area Landscaping, Pool Patio, Gate /Piers Plan Prepreliminary/ Preliminary/ Final Site Plan & SEQRA Review 7 Tweed Boulevard, Upper Grandview 71.09/1/54; R-22 zoning district	PB #16-45 Final Site Plan Approval Subject to Conditions Neg. Dec.
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Lee Home Office Plan Conditional Use Permit Prepreliminary/ Preliminary/ Final & SEQRA Review 1 Hook Street, Orangeburg 74.13/3/13; RG zoning district	PB #16-46 Granted for 1 Year
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BCH Realty Site Plan Prepreliminary/ Preliminary Site Plan and SEQRA Review Outdoor Storage Plan 20 Mountainview Avenue, Orangeburg 74.07/1/27; LI & CC zoning districts	PB #16-47 Continued: Revise Plan
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Hawks View Estates Subdivision Plan Critical Environmental Area Prepreliminary/ Preliminary Subdivision Plan & SEQRA Review 290 & 298 South Boulevard, Upper Grandview 71.05/1/22 & 23; R-22 zoning district	PB #16-48 Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.
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Misiorski Site Plan Critical Environmental Area Prepreliminary/ Preliminary/ Final Site Plan & SEQRA Review 897 Route 9W, Upper Grandview 71.17/1/13; R-22 zoning district	PB #16-49 Final Site Plan Approval Subject to Conditions Neg. Dec.
Coffey Site Plan Prepreliminary/ Preliminary/ Final Site Plan & SEQRA Review 363 So. Middletown Road, Pearl River 63.20/1/1; CO zoning district	PB #16-50 Preliminary Site Plan Approval Subject to Conditions Neg. Dec.
Rohland Site Plan Amendment Amendment to PB #15-51, Final Approval with Conditions 407 Western Highway, Tappan 74.18/3/31; LO zoning district	PB #16-51 Final Site Plan Approval of Amendment to PB#15-51 with Conditions/ Reaffirmation of SEQRA
Rohland Resubdivision Plan Amendment Amendment to PB #15-52, Final Approval with Conditions 401-407 Western Highway, Tappan 74.18/3/31; LO zoning district	PB #16-52 Final Resubdivision Approval of Amendment to PB#15-52 Conditions/ Reaffirmation of SEQRA
Bailey's Smoke House Resubdivision Plan Prepreliminary/ Preliminary/ Final Resubdivision Plan & SEQRA Review 132 and 136 Erie Street, Blauvelt 70.14/4/5 & 6; CS zoning district	PB #11-49 Preliminary Resubdivision Plan Approval Subject to Conditions Neg. Dec.
Bailey's Smoke House Site Plan Prepreliminary/ Preliminary Site Plan & SEQRA Review 132, 136 & 140 Erie Street, Blauvelt 70.14/4/5, 6 & 7; CS zoning district	PB #11-50 Preliminary Site Plan Approval Subject to Conditions Neg. Dec.

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Other Business:

1. CBRE Project: 140 Old Orangeburg Road, Orangeburg, letter dated July 15, 2016 regarding co-location of wireless communication equipment on an existing smoke stack. The Board had no comment.

2. Town Board Referral: Proposed Zone Change Manor Boulevard, Pearl River "CO" to "R-15". The Planning Board consents to have the Town Board serve as Lead Agency for this review.

RECOMMENDATION: The Planning Board recommended that the Town Board grant the zone reclassification from "CO" to "R-15" only if the area residents are in agreement with the requested zone change.

3. Highland Mews Crosswalk: The Director of the Office of Building, Zoning, Planning Administration and Enforcement presented information regarding the satisfaction of Condition #4 of PB #16-30; Highland Mews Interior Commercial Subdivision Plan dated May 25, 2016. The Director stated that the crosswalk is complete and the Certificate of Occupancy for the Internal Subdivision should be granted. The Board concurred with the decision of the Director.

Condition #4 of PB #16-30

"4. The following shall occur in regard to the construction and completion of the cross walk:

- The applicant shall provide the Town of Orangetown with a cost estimate to construct the cross walk. Escrow shall be held by the Town of Orangetown until the crosswalk is complete.
- The applicant may apply for a construction permit for the Internal Subdivision, however, a Certificate of Occupancy shall not be granted until the crosswalk is complete."

The decisions of the July 13, 2016 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Bruce Bond and seconded by Thomas Warren and carried as follows:
Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye, William Young, abstain; Robert Dell, aye; Stephen Sweeney, abstain and Thomas Warren, aye.

The Decisions of the above hearings, as attached hereto, although made by the Board before the conclusion of the meeting are not deemed accepted and adopted by the Board until adopted by a formal motion for adoption of such minutes by the Board. Following such approval and adoption by the Board, the Decisions are mailed to the applicant. The verbatim transactions are not transcribed, but are available.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Robert Dell and seconded by Bruce Bond and agreed to by all in attendance. The meeting was adjourned at 10:45 p.m. The next Planning Board meeting is scheduled for Wednesday, September 14, 2016.

**Town of Orangetown
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Cheryl Coopersmith
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TO: Gregg Verrilli, Rogers McCarron & Habas, 100 Dutch Hill Road, Suite
390, Orangeburg, New York 10962
FROM: Orangetown Planning Board

RE: The Cunningham House Site Plan: The application of Stephen Janson, applicant, for The Cunningham House, LLC, owner, for a Parking Facility Plan and a Fence Plan at a site located in the Tappan Historic District, for Preliminary/ Preliminary/ Final Site Plan Review at a site known as “**The Cunningham House 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 118 Main Street, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.11, Block 3, Lot 2 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **December 9, 2015 and July 27, 2016** at which time the Board made the following determinations:

December 9, 2015

Stephen Janson and Bruce Rogers appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated December 2, 2015.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated December 9, 2015.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated December 3, 2015.
4. A letter from Brooker Engineering signed by Kenneth DeGennaro, dated December 3, 2015.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated November 13, 2015.
6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated December 8, 2015.
7. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFiandra, Engineer II, dated November 30, 2015.
8. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 26, 2015.
9. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated November 24, 2015.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, Acting Chair, dated October 21, 2015.
11. A copy of the Short Environmental Assessment Form, signed by Stephen Janson dated October 21, 2015.
12. A Project Narrative, prepared by the applicant.

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13. Grading and Drainage Proposed Parking Plan prepared by Thomas Skrable, P.E., dated August 5, 2015.
14. Land Survey prepared by Anthony Celentano, PLS, dated June 8, 2015.
15. Copy of the Building Permit Referral dated September 24, 2015, signed by Glenn Maier, Building Inspector.

The Board reviewed the information and plans.

The applicant requested a **CONTINUATION**.

July 27, 2016

Stephen Janson, Greg Verrilli and Anthony Celentano appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 20, 2016.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 27, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 21, 2016.
4. A letter from Brooker Engineering signed by Kenneth DeGennaro, dated July 25, 2016.
5. Land Survey prepared by Anthony Celentano, PLS, dated June 8, 2015, revised March 5, 2016.
6. Zero Net Calculations prepared by A.R. Celentano Land Surveying dated March 5, 2016.

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

A motion was made to close the Public Hearing portion of the meeting by Bruce Bond and second by Stephen Sweeney and carried as follows:
Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye.

A motion was made to reopen the Public Hearing portion of the meeting by Bruce Bond and second by Stephen Sweeney and carried as follows:
Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye.

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

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The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Michael Mandel and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye the Board declared itself Lead Agency.

Pursuant to New York Code, Rules & Regulations (NYCRR) Section 617.7, the Town of Orangetown Planning Board, as lead agency, for the reasons articulated in this Board's analysis of all of the submissions by the applicant, interested agencies, departments and the public, with respect to this project including the Environmental Assessment Form, which reasons are summarized in the motion, hereby determines that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, and having heard from the following offices, officials and/or 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 Highways, Rockland County Department of Health, Rockland County Sewer District #1, and having reviewed the drawings presented by the applicant's professional consultants; Thomas Skrable, P.E. and Anthony Celentano, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;

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- 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 Thomas Warren and seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye; the Board made a Negative Declaration pursuant to SEQRA.

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

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3. The applicant shall appear in front of the Town of Orangetown Historic Areas Board of Review for review and approval of the Site Plan.
4. The gravel parking lot requires a variance from the Town of Orangetown Zoning Board of Appeals (Chapter 43, Section 6.36). The Planning Board recommends to the ZBA that the gravel driveway remain on site.
5. A variance needs to be sought from the Town of Orangetown Zoning Board of Appeals since the required number of parking spaces is 12 and 7 are provided.
6. The handicap parking space shall comply with the New York State Building Code requirements such as signage, etc.
7. The Short Environmental Assessment Form appears to be in order.
8. The drawing submitted show less information than the grading and drainage plan previously submitted.
9. The layout and location of the parking spaces shown do not match the previously approved plan from 1973. Also, the configuration of the parking is insufficient. There is inadequate clear space, behind parking stalls 1 – 4 and possibly 7.
10. The total area of disturbance shall be clearly indicated on the plans.
11. The revised drainage calculations are under review. Because runoff from this site eventually enters the Sparkill Creek, the applicant's engineer will demonstrate how any grease/ oils/ gases/ etc. from vehicles utilizing this parking lot shall be contained, treated, disposed of to ensure that they do not enter the Sparkill Creek.
12. No overflow for the proposed seepage pit is shown.
13. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to DEMA 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 DEMA, etc.
14. A note on the plan calling for semi – annual inspections of the drywells shall state that the drywells shall be inspected as per the required Post Construction SWMA (see item #13 above) and it shall be submitted annually to the Town of Orangetown – DEMA, not the Building Department.

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15. The noted 2 foot wide gravel berm may not be able to prevent stormwater runoff from entering the neighboring property. A gravel berm by nature will have voids that stormwater can get through. The applicant shall consider a macadam berm or other acceptable alternative. It is also unclear where this berm begins and ends. Although a top elevation of the berm was given, no height of the berm itself is given on the plans. A detail of said berm shall be added to the drawings.

16. The existing sanitary house connection location shall be shown on the plan.

17. Soil erosion and sediment control plans and details shall be submitted to DEME for review and approval.

18. A legend shall be added to the drawings.

19. The datum for the contours shall be given on the plans. Also, a note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.

20. Iron pins shall be drawn and labeled at each property corner.

21. Drainage Review Recommendation

The Drainage Consultant to the Planning Board, Brooker Engineering reviewed the application and found that drainage calculations provided sufficient information to demonstrate that potential significant adverse impacts with respect to drainage will be mitigated and therefore recommend that the Cunningham House Site Plan be approved for drainage subject to the following comments:

Project Description

The project is for site plan approval for a previously constructed gravel parking lot located at the west side of the Cunningham House building at the southwest corner of the intersection of Old Tappan Road and Main Street. This is the second drainage review report; the last report was dated December 3, 2015. The gravel parking area is lined with Belgian block curb and is a naturally low area. There is an existing field inlet in the parking lot that is slightly higher than the low point of the parking lot, result in a ponding area in portions of the lot. Stormwater runoff flows in a southeasterly pattern across the lot.

Project Comments

1. As per the December 3, 2015 report, use a curve number of 89 for gravel for proposed conditions.
2. Provide a full scale drawing of the drainage subarea map used to support the drainage sub basin used in the calculations. Verify no offsite runoff from the west will enter the system, or adjust the calculations accordingly.
3. As per the December 3, 2015 report, show the path of overflow stormwater runoff from the drywell. The Drainage Consultant has no objection to overflows exiting the system from the rim of the new drywell; however, it shall be demonstrated that runoff will not flow southeast to the railroad tie wall along the southern property line and will not surcharge the parking lot.

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Continuation of Condition #21...

4. As per the December 3, 2015 report, revise the drainage so volume of voids in the stone below the invert of the drywell is not included as available storage. However, the applicant has since performed perc tests. Show the location of the perc tests on the Site Plan and verify that there is at least two feet difference between the groundwater level (including seasonal groundwater indicators, i.e. soil mottling). If there is at least two feet difference in groundwater levels, the drainage calculations can use void space in the stone below the drywell invert.
5. As per the December 3, 2016 report, there is an existing landscaping berm along the southern property line that prevents stormwater runoff from flowing south to the sidewalk area of the property to the south. This shall be labeled on the Site Plan.
6. Label the new Belgian block curb along the southeast corner of the parking lot expansion on the plan and provide a detail.
7. Provide a detail for the new catch basin. Provide a hood over the outlet pipe.
8. Details for abandoning the drywell shall be provided. The drywell shall not be simply paved over and no longer visible. Assuming the drywell is in good condition, it is recommended the frame and grate be brought to proposed grade and a pipe connecting the proposed catch basin be installed to the existing drywell, thereby taking advantage of existing stormwater detention capacity.
9. The Zero Net Calculations state six feet diameter drywells will be used (Section 2) and the calculations are for four feet deep drywells (Section 6). This discrepancy shall be corrected.

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

- A review must be completed by the County of Rockland Department of Highways and all required permits obtained.
- A review must be completed by the Rockland County Drainage Agency and all required permits obtained.
- As indicated in the October 26, 2015 letter from the Rockland County Department of Health, an application must be made for review of the stormwater management system to ensure compliance with the County Mosquito Code.
- Access to the site is being provided over Tax Lot 77. 11-3-1. The access easement referenced in the narrative must be illustrated on the Site Plan.
- The Town must monitor the site to ensure that adequate parking is provided for these two commercial uses, either on-site or along Old Tappan Road off-site, where curbside parking is available.

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Continuation of Condition #22...

- Any trees that were removed must be illustrated and labeled on the Site Plan. Replacement trees shall also be added to the plans.
- All proposed signage shall be indicated on the Site Plan and shall conform to the municipality's sign standards.
- The Rockland County Department of Planning requests the opportunity to review any variances that may be requested from the Town of Orangetown Zoning Board of Appeals in order to implement the Site Plan, as required by New York State General Municipal Law, Section 239-m, (a)(v).

23. The Rockland County Department of Health reviewed the Site Plan and other documentation provided the following comments:

- Application is to be made to the Rockland County Department of Health for review of the Stormwater Management system for compliance with the County Mosquito Code.

24. 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.

25. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is not required based upon its review of the information provided.

26. 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.

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

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

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

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

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- 30. 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 $\frac{3}{4}$ 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.

31. 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.

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

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33. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
34. 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).
35. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
36. 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
37. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

Overrides

The Board made a motion to override Conditions #6, #8 and #9 of the November 13, 2015 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

Condition #6: A turnaround area must be provided for parking space #1, so that vehicles can easily maneuver out of the parking spot.

The Board held that there is sufficient existing turnaround space on site.

A motion to override the condition was made and moved by Bruce Bond and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye, William Young, aye; Robert Dell, aye; Stephen Sweeney, aye and Thomas Warren, aye.

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Overrides Continued...

#8: A lighting plan shall be submitted for review. No lighting shall shine beyond the property line.

The Board held that the amount of work being done does not warrant a lighting plan and there is sufficient ambient light to illuminate the site.

A motion to override the condition was made and moved by Bruce Bond and seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye, William Young, aye; Robert Dell, aye; Stephen Sweeney, aye and Thomas Warren, aye.

#9: A landscaping plan shall be submitted for review.

The Board held that the existing landscaping on site was sufficient.

A motion to override the condition was made and moved by Bruce Bond and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye, William Young, aye; Robert Dell, aye; Stephen Sweeney, aye and Thomas Warren, aye.

The foregoing Resolution was made and moved by William Young and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, 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: July 27, 2016
Cheryl Coopersmith
Town of Orangetown Planning Board



Attachment

TOWN CLERKS OFFICE

2016 AUG 17 PM 12:08

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

**PB #15-56: The Cunningham House Site Plan – Preliminary Site Plan
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
July 27, 2016**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

NAME OF ACTION: The Cunningham House Site Plan - Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 118 Main Street, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.11, Block 3, Lot 2 in the CS zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

John Giardiello, P.E., Director, Office of Building, Zoning and Planning
Administration and Enforcement

Town of Orangetown

20 Greenbush Road

Orangeburg, NY 10962

Telephone Number: 845-359-5100

For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent: - Commissioner, New York State Department of Environmental Conservation, - Region 3 Headquarters, NYSDEC,- Town Supervisor, Applicant, Involved Agencies

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TOWN OF ORANGETOWN

**PB #16-45: 7 Tweed Boulevard Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #45403

**Town of Orangetown Planning Board Decision
July 27, 2016
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TO: Mike Mainland, Steven Dubner Landscaping, 140 Half Hollow Road, Dix Hills, New York 11746
FROM: Orangetown Planning Board

RE: 7 Tweed Boulevard Plan: The application of Steven Dubner Landscaping, applicant, for Anthony Santos, owner, for Preliminary/ Preliminary/ Final Site Plan Review for the installation of landscaping, new pool patio, driveway gate and piers plan at a site known as **"7 Tweed Boulevard 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 7 Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 54, in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **July 27, 2016** at which time the Board made the following determinations:

Mike Mainland Francelys Infante appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 20, 2016.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 27, 2016.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 21, 2016.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated July 3, 2016.
5. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Action Commissioner of Planning, dated July 14, 2016.
6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated July 25, 2016.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 29 & 30, 2016.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated June 27, 2016.
9. A Short Environmental Assessment Form signed by Keith Camilleri, dated June 16, 2016.

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10. Landscaping Plan prepared by Steven Dubner Landscaping, dated June 14, 2016.
- 11 Project Narrative email from Mike Mainland, dated June 23, 2016.
12. Building Permit Referral to the Planning Board dated May 20, 2016, signed by Glenn Maier, Building Inspector.

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

Public Comment:

Brenda Kilgore, 5 Tweed Boulevard, Upper Grandview; an abutting property owner, supports the proposed project.

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

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by William Young and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye the Board declared itself Lead Agency.

Pursuant to New York Code, Rules & Regulations (NYCRR) Section 617.7, the Town of Orangetown Planning Board, as lead agency, for the reasons articulated in this Board's analysis of all of the submissions by the applicant, interested agencies, departments and the public, with respect to this project including the Environmental Assessment Form, which reasons are summarized in the motion, hereby determines that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, and having heard from the following offices, officials and/or 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

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agencies: Rockland County Department of Health, Rockland County Sewer District #1, and having reviewed the drawings presented by the applicant's professional consultants; Steven Dubner Landscaping, 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 Stephen Sweeney and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye; the Board made a Negative Declaration pursuant to SEQRA.

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**PB #16-45: 7 Tweed Boulevard Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #45403

**Town of Orangetown Planning Board Decision
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DECISION: In view of the foregoing and the testimony before the Board, the application was **Granted a 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 is proposing new landscaping and hardscaping at an existing residence in the Critical Environmental Area. Please show the erosion and sediment control devices on the plan.
4. The Site Plan shall be reviewed and approved by the Director of the Office of Building, Zoning, Planning Administration and Enforcement.
5. The Short Environmental Assessment Form appears to be in order.
6. Drainage calculations, plans and details, prepared and sealed by a New York State Licensed Professional Engineers, shall be submitted to DEME for review and approval.
7. The Site Plan shall be amended to show the proposed underground stormwater system.
8. Soil erosion and sediment control plans and details shall be submitted to DEME for review and approval.
9. The total area of disturbance shall be clearly indicated on the plans.
10. No overflow for the proposed underground culvic system is shown.

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11. 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.

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

13. A legend shall be added to the drawings.

14. Existing and proposed contours/ grading shall be shown on the plans.

15. A datum for the required contours/ grading shall be given on the plans. Also, a note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.

16. Iron pins shall be drawn and labeled at each property corner.

17. Drainage Review Recommendation: The application is not increasing impervious area or the rate of stormwater runoff and is providing stormwater detention. The application has provided sufficient information to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated and therefore recommend that the 7 Tweed Boulevard Site Plan be approved for drainage subject to the following project comments.

Project Comments

1. A Site Plan shall be prepared that clearly shows existing conditions and proposed conditions, including impervious areas and topography. Proposed grading directing stormwater runoff away from the house and pool shall be shown. Any proposed storm drainage pipes with rim and invert elevations shall be included.
2. Positive drainage away from the front of the house and garage shall be shown. It appears that the grade in front of the house slopes toward the garage.
3. Proposed grading for the serving bar and grill area shall be shown on the Site Plan.
4. The location of silt fence should be shown on the Site Plan.
5. The limit of disturbance of the proposed work area shall be shown and the total land disturbance indicated on the Site Plan.
6. The details for the cul-tech system have two different size chambers; the locations of each size shall be shown on the Site Plan. Invert elevations shall be added to the Site Plan.

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Continuation of Condition #17...

7. The cul-tech system appears to be constructed in the steep slope areas. The Drainage Consultant recommends that it be constructed in the flat lawn area east of the pool.
8. The water service or well supply and the sanitary house connection or septic system shall be shown on the Site Plan. Required clearances from the well and septic system, if present, to the cul-tech system shall be shown.
9. The location of the catch basin from the detail sheet shall be shown on the Site Plan. Rim and invert elevations shall be shown.
10. Methods for flushing and maintaining the cul-tech system shall be included on the site plan.
11. The overflow location from the cul-tech system shall be shown on the Site Plan. The means of dispersing the overflows to prevent a concentrated point source of flow shall be shown on the plan.
12. The volume of the cul-tech system and typical volume of water pumped to the system when the pool is backwashed shall be shown on the plan.
18. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - A review must be completed by the County of Rockland Department of Highways and all concerns addressed and all required permits obtained.
 - A review must be completed by the County of Rockland Division of Environmental Resources and any concerns addressed.
 - A review shall be completed by the New York State Department of Transportation and all required permits obtained.
 - A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.
 - A North arrow shall be added to the Site Plan.

19. The Rockland County Highway Department reviewed the information and offered the following comments:

- A copy of the drainage study for this project showing zero net increase of storm water runoff around the property shall be shown to have no significant impact on county roads. .
- A Rockland County Highway Department Work Permit will be required for the proposed development.

20. The Rockland County Department of Health reviewed the information and offered the following comments:

- Existing subsurface disposal system is to be shown on the plans.
- Application is to be made to the Rockland County Department of Health for review of the storm water management system for compliance with the County Mosquito Code.

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21. 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.

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

- Rockland County Health Department
- Rockland County Sewer District #1

23. 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.

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

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

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

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- 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.

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

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

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

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

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30. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
31. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications
32. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.
33. 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 Bruce Bond, seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, 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: July 27, 2016
Cheryl Coopersmith
Town of Orangetown Planning Board

Attachment



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TOWN OF ORANGETOWN

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

**PB #16-45: 7 Tweed Boulevard Plan – Critical Environmental Area: Final
Site Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
July 27, 2016**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

**NAME OF ACTION: 7 Tweed Boulevard Plan – Critical Environmental Area:
Final Site Plan Approval Subject to Conditions/ Neg. Dec**

CONDITIONED NEGATIVE DECLARATION: Yes No XXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 7 Tweed Boulevard, Upper Grandview, in the Critical Environmental Area, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 54 in the R-22 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

John Giardiello, P.E., Director, Office of Building, Zoning and Planning
Administration and Enforcement

Town of Orangetown

20 Greenbush Road

Orangeburg, NY 10962

Telephone Number: 845-359-5100

For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent: - Commissioner, New York State Department of Environmental Conservation, - Region 3 Headquarters, NYSDEC, - Town Supervisor, Applicant, Involved Agencies

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TO: Jennifer Lee, 1 Hook Street, Orangeburg, New York 10962
FROM: Orangetown Planning Board

RE: Lee Home Office Plan - Conditional Use Permit: The application of Byung Moon Lee, applicant, for Jack An, owner, for Preliminary/ Preliminary/ Final Conditional Use Permit Review for an Acupuncture Clinic at a site to be known as “**Lee Home Office Plan – Conditional Use Permit**”, 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 1 Hook Street, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.13, Block 3, Lot 13, in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 27, 2016**, at which time the Board made the following determination:

Jennifer Lee and Byung Moon Lee appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 20, 2016.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 27, 2016.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 21, 2016.
4. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., dated June 29, 2016.
5. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated June 24, 2016.
6. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, dated June 15, 2016.
7. A Short Environmental Assessment Form, signed by Byung Moon Lee, dated June 10, 2016.
8. A Floor Plan of the Building, entitled “Lee Home Occupation Conditional Use Permit” and a Project Description of a Home Office for Acupuncture Clinic, 1 Hook Street, Orangeburg, New York.
9. A letter from Byung Moon Lee regarding Status of Parking Space; Home Occupation for Acupuncture Office, dated June 10, 2016.

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10. A copy of the Town of Orangetown Town Code Chapter 43. Zoning Article VIII; Conditional Use Standards, § 8.1 General conditions and standards.
11. Copy of Building Permit application, dated January 26, 2016, signed by Glen Maier, Building Inspector.

The Board reviewed the Plan. The Board opened the item to the Public.

Public Comment:

Amy Schaffhauser, 1 Hollis Street, Orangeburg; requested information regarding entrances into the house and office space, separate parking for each use and if there was sufficient parking for both uses. Ms Schaffhauser discussed prior office use of residential structures in the neighborhood in the past and difficulties created with parking on the streets.

Donald Brenner, 4 Independence Avenue, Orangeburg; questioned if the applicant was a licensed acupuncturist.

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

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Michael Mandel and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye, the Board declared itself Lead Agency.

Pursuant to New York Code, Rules & Regulations (NYCRR) Section 617.7, the Town of Orangetown Planning Board, as lead agency, for the reasons articulated in this Board’s analysis of all of the submissions by the applicant, interested agencies, departments and the public, with respect to this project including the Environmental Assessment Form, which reasons are summarized in the motion, hereby determines that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of

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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 No. 1 and having reviewed the proposed plan, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

On motion by Stephen Sweeney and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye the Board made a Negative Declaration pursuant to SEQRA.

In view of the foregoing and the testimony before the Board, the application was Granted a Conditional Use Permit, pursuant to Chapter 43, Section 8.1 of the Town of Orangetown Zoning Code.

- The proposed use, size and character is in harmony with the development in the district in which it is proposed to be situated and will not be detrimental to the zoning classification of such properties.
- The proposed location and size of the use, nature and intensity of operations involved, and the site layout in relation to access streets will not be hazardous to pedestrian or vehicular traffic.

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- The proposed location of the use will not hinder or discourage development or use of adjacent land and buildings.
- The proposed use will not require additional public services or create fiscal burdens upon the Town of Orangetown greater than those which characterize uses permitted by right.

The Approval of the Conditional Use Permit is Subject to the Following Conditions:

1. A Time limitation of One (1) year shall be established for the Conditional Use Permit at which time the applicant shall return to the Planning Board for review and re-approval. The granting of the extension beyond the one year period shall be contingent upon the four points noted in Chapter 43, Section 8.1 of the Town of Orangetown Zoning Code, and as outlined above and below:
 - a. harmony with the development in the district in which it is situated,
 - b. intensity of operations involved, and the site layout in relation to access streets will not be hazardous to pedestrian or vehicular traffic,
 - c. location of the use will not hinder or discourage development or use of adjacent land and buildings, and
 - d. proposed use will not require additional public services or create fiscal burdens upon the Town of Orangetown greater than those which characterize uses permitted by right.
2. The applicant is proposing an acupuncture clinic. In an RG zone district, a “medical arts office” in an existing residential structure is a Conditional Use that requires Planning Board Approval. (RG zone district, Table of General Use Regulations, Section 3.11, Column 4, Item #2).
3. The applicant shall indicate the number of employees at the clinic.
4. The application shall further be subject to the “Home Occupation” definition in the Zoning Code.
5. The plan shall have the address and Section, Block and Lot added.
6. The Short Environmental Assessment Form appears to be in order.
7. The Rockland County Department of Health has received an application for the referenced project and based on the information provided found that no approvals for this project are needed for this application.
8. 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.

TOWN CLERKS OFFICE
2016 AUG 17 PM 12 08
TOWN OF ORANGETOWN

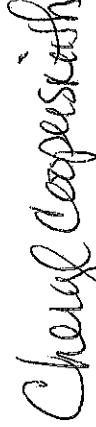
Town of Orangetown Planning Board Decision
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9. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
 - Rockland County Sewer District #1
 - Rockland County Department of Health
 - Town of Orangetown Zoning Board of Appeals
10. The applicant must obtain a Certificate of Occupancy within the time frames set forth in accordance with the application for a Building Permit. The one year time limit set forth in Condition No. 1 shall be measured from the date of the issuance of the Certificate of Occupancy. If no Certificate of Occupancy is obtained within the time frame set forth herein, the Conditional Use Permit shall be deemed null and void.

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

The Clerk of 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 this Office of the Planning Board.

Dated: July 27, 2016
Cheryl Coopersmith
Town of Orangetown Planning Board



attachment

TOWN CLERKS OFFICE
2016 AUG 17 PM 12:08
TOWN OF ORANGETOWN

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

PB #16-46: Lee Home Office Plan - Conditional Use Permit
Granted – 1 year Term
Neg. Dec.

Town of Orangetown Planning Board Decision
July 27, 2016

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

NAME OF ACTION: Lee Home Office Plan – Conditional Use Permit Granted – 1 year; Neg. Dec.

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

DESCRIPTION OF ACTION: Conditional Use Permit

LOCATION: The site is located at 1 Hook Street, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.13, Block 3, Lot 13, in the RG zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent: - Commissioner, New York State Department of Environmental Conservation, - Region 3 Headquarters, NYSDEC, - Town Supervisor, Applicant
- Involved Agencies

TOWN CLERK'S OFFICE

2016 AUG 17 PM 12 08

TOWN OF ORANGETOWN

**PB #16-48: Hawks View Estates Subdivision Plan
Critical Environmental Area
Preliminary Subdivision Plan Approval Subject to Conditions
Neg. Dec.**

**Town of Orangetown Planning Board Decision
July 27, 2016
Page 1 of 11**

TO: Jay Greenwell, PLS, 85 Lafayette Avenue, Suffern,
New York 10901

FROM: Orangetown Planning Board

RE: Hawks View Estates Subdivision Plan: The application of SMK Home Builders, Inc., owner, for Preliminary Subdivision Review for a 4 lot Subdivision Plan (**2 new lots**) at a site to be known as “**Hawks View Estates Subdivision Plan**”, located in the Critical Environmental Area, 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 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 290 & 298 South Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lots 22 & 23, in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 27, 2016**, the Board made the following determinations:

Jay Greenwell and Sean Keenan appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 20, 2016.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 27, 2017.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., July 21, 2016.
4. Letters from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated July 3 & 27, 2016.
5. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Action Commissioner, dated July 19, 2016.
6. A letter from Rockland County Department of Highway, signed by Sonny Lin, P.E., dated July 25, 2016.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 29 & July 5, 2016.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated June 27, 2016.
9. Letters from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, signed by Katherine Coffin, dated July 22 & 27, 2016.

TOWN CLERKS OFFICE

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TOWN OF ORANGETOWN

**PB #16-48: Hawks View Estates Subdivision Plan
Critical Environmental Area
Preliminary Subdivision Plan Approval Subject to Conditions
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**Town of Orangetown Planning Board Decision
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10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated July 6, 2016.
11. An email from Dr. Alan Rosenfeld dated July 27, 2016.
12. Subdivision Plan prepared by Jay Greenwell, PLS, dated March 15, 2016:
 - Sheet 1: Subdivision of Property for Hawks View Estates
 - Sheet 2: Grading, Drainage & Utility Plan with Erosion Control
 - Sheet 3: Detail Sheet
13. A Short Environmental Assessment Form signed by Sean Keenan, SMK Homes, dated June 14, 2016.

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

Public Comment: William Procido, representing an abutting property owner, Ms Kilgore of 5 Tweed Boulevard; requested the Board to continue the item and not make a decision until a property dispute between the applicant and his client is resolved.

Judy Goodrich, 125 Tweed Boulevard, Upper Grandview; here on behalf of the Upper Grandview Association read a letter into the record. The letter outlined the following points: to limit development to the existing two lots, removal of existing large trees would denude the properties and affect erosion, drainage and esthetics. The Board should require substantial setbacks from the cliff edge to prevent erosion of the Palisades and water drainage damaging the cliff and properties; protection of the Hudson River View scape. The Association also requested that the Board require the developer to provide road front tree buffers and one shared driveway.

Donald Brenner, Attorney representing Ms. Kilgore, 5 Tweed Boulevard, stated that the application is before the Board for Preliminary Site Plan review and once it receives the environmental approval the plan is basically set. He is asking the Board to hold off on the environmental so the grades can be rechecked and the applicant can check her property.

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

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA.

TOWN CLERKS OFFICE

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TOWN OF ORANGETOWN

**PB #16-48: Hawks View Estates Subdivision Plan
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On motion by Thomas Warren and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman; aye, Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye; and Stephen Sweeney, aye; the Board declared itself Lead Agency.

Pursuant to New York Code, Rules & Regulations (NYCRR) Section 617.7, the Town of Orangetown Planning Board, as lead agency, for the reasons articulated in this Board's analysis of all of the submissions by the applicant, interested agencies, departments and the public, with respect to this project including the Environmental Assessment Form, which reasons are summarized in the motion, hereby determines that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Jay Greenwell, PLS and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Sewer District No.1, Rockland County Highways, New York State Department of Environmental Conservation and having reviewed a proposed Subdivision plan by prepared by Jay Greenwell, PLS a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;

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TOWN OF ORANGETOWN

**PB #16-48: Hawks View Estates Subdivision Plan
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Preliminary Subdivision Plan Approval Subject to Conditions
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**Town of Orangetown Planning Board Decision
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- 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 Thomas Warren and seconded by Bruce Bond and carried as follows: Kevin Garvey, Chairman, aye, Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye; and Stephen Sweeney, aye; the Board made a Negative Declaration pursuant to SEQRA.

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

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

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TOWN OF ORANGETOWN

**PB #16-48: Hawks View Estates Subdivision Plan
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**Town of Orangetown Planning Board Decision
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3. The applicant is proposing a 4 lot residential subdivision.
4. The sight distances for the driveways shall be shown on the plans.
5. The discharge of all footing and roof leader drains shall be shown on the plan.
6. The wells and septic tanks shall be approved by the Rockland County Department of Health.
7. The direction of any overland drainage flow shall be shown on the subdivision plan with arrows.
8. The subdivision plans shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
9. The Short Environmental Assessment Form appears to be in order.
10. The drainage calculations that were submitted are under review by DEME.
11. The applicant's Engineer shall specify whether the Perc Rate given in the supplied drainage calculations dated June 15, 2016 is assumed or based upon a field survey. If the per rate is assumed, a field Perc Test shall be administered prior to receiving final approval for Site Plan to ensure adequacy of designed drainage system. The applicant's engineer shall provide a copy of the field Perc Test to DEME and the Building Department.
12. The proposed shallow drainage depressions for lots 2 & 3 as shown on drawing #2 last updated July 18, 2016, shall be revised to reflect a level spreader or other approved device for dispersing a flow. A detail for same shall be added to the drawings.
13. The exhaust points for all proposed drywells overflows, Lots 1 & 4, and roof leader exhausts, Lots 2 & 3, shall be revised to reflect a level spreader or other approved device for dispersing flow. A detail for same shall be added to the drawings.

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**PB #16-48: Hawks View Estates Subdivision Plan
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**Town of Orangetown Planning Board Decision
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14. A note shall be added to the plans, Sheets 1 & 2, stating that if any of the proposed impervious areas for any of the 4 lots are to be increased from the total proposed impervious areas shown on the table on sheet 2, new drainage calculations shall be submitted to DEME for review and approval AND new or expanded stormwater facilities may be required.
15. The total area of disturbance shall be noted on the drawings and in the drainage calculations.
16. The soil erosion and sediment control plans and details are under review by DEME.
17. 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.
18. The applicant is reminded that the sanitary septic systems and potable water well system for each of the lots must be reviewed and approved by the Rockland County Health Department. Copies of this approval shall be supplied to the Planning Board and DEME prior to Signing the Final Map.
19. Monuments shall be drawn and labeled at all subdivision corners and along the entire Right of Way.
20. A note shall be added to plan indicating the source benchmark for the referenced datum, including the BM elevation.
21. Copies of all correspondence, including any and all approvals with the New York State Department of Environmental Conservation, U.S. Army Corps of Engineers, the Rockland County Drainage Agency, etc., in connection with this proposed subdivision, shall be supplied to the Planning Board and DEME, as they are received.
22. The Drainage Consultant to the Planning Board, Brooker Engineering reviewed the application has provided sufficient information to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated. The Drainage Consultant therefore recommends that the Hawks View Subdivision be approved for drainage subject to the following comments:

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TOWN OF ORANGETOWN

PB #16-48: Hawks View Estates Subdivision Plan
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Preliminary Subdivision Plan Approval Subject to Conditions
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Town of Orangetown Planning Board Decision
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Continuation of Condition #22...

This is the second drainage review report for this project; the last review was dated July 3, 2015, at which time the Drainage Consultant did not recommend the project be reviewed for drainage. The consultant subsequently received additional information in response to this report.

The property is located at the northeast corner of the intersection of Tweed Boulevard, Clausland Mountain Road, and South Boulevard. There was an existing single family structure located along the middle of the site near the east property line that has been removed. There is a north/south ridge along the east property line; portions of stormwater runoff flow east to the steep slope hillside and the remainder of the stormwater runoff flows west toward Tweed Boulevard and South Boulevard. There is a low point and swale along South Boulevard in front of the property and a storm drainage pipe that conveys water west under South Boulevard.

Review of Additional Information

Two depression areas have been added along the driveways of Lots 2 and 3, which will assist in storing stormwater runoff from these two driveways and disconnecting runoff from this areas to the public roads. The additional storage provided at these locations is not included in the design calculations, so this approach adds a factor of safety to the design.

Four additional drywells have been added to the overall design. The locations of the drywells have been changed to approximate the existing conditions drainage pattern with no substantial change in discharge locations.

Project Comments

1. Comments 2, 3, 5-9 from the July 3, 2016 drainage review report have been addressed.
2. As per the July 3, 2016 drainage review report, the drainage calculations consider stormwater runoff from the entire site; this shall be revised to show design points of interest to the east property line, to South Boulevard, and to Tweed Boulevard. No increases in stormwater runoff shall be provided at each design point of interest.
3. As per our July 3, 2016, the drainage calculations only consider the change in runoff due to new impervious area; increases in runoff due to removal of woods and replacement with grass shall be included. For the new submission, additional drywells have been added that mitigate in the change of ground cover from woods to grass. However, runoff from these areas to not enter the drywells (only the buildings and driveways enter the drywells). The drainage calculations shall show at each point of interest how the runoff diverted to the drywells compensate for the increase in runoff from woods to grass.

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**PB #16-48: Hawks View Estates Subdivision Plan
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Continuation of Condition #22...

4. Drywell invert elevations shall be added to the Site Plan.
5. A construction detail of the Lot 2 and 3 driveways showing the cross slope shall be added to the Site Plan.
6. The effective depth of the drywells shall be taken as the invert of the overflow pipe.
7. Due to the proximity of the drywells to each other, the percolation rates in the drainage calculations shall be based on the perimeter of the crushed stone envelope and not the circumference around the stone of each individual drywell.
8. The overflows from the drywells shall preferably be uphill of any steep slopes; alternately a level spreader should be added.
9. The depression areas near the driveways for Lots 2 and 3 can store approximately two inches of rainfall runoff from the driveways. It is recommended the volume of the depressions be increased to store more rainfall as this can be easily accomplished

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

- As required by the Rockland County Stream Control Act, the subdivision map must be reviewed and approved by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept the plan for filing.
- The comments in the July 5, 2016 letter from the Rockland County Department of Health must be met.
- A review shall be completed by the County of Rockland Department of Highways and all required permits obtained.
- A review shall be completed by the County of Rockland Division of Environmental Resources and any concerns addressed.
- A review shall be completed by the Palisades Interstate Park Commission and their comments or concerns addressed.
- 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 stormwater runoff from the site.

24. A Rockland County Department of Highways permit will be required for the proposed development.

25. Based on the information provided, Rockland County Health Department (RCDOH) offered the following comments:

- RCDOH has conceptually approved the subsurface disposal system for this project. Formal applications for these systems are to be made.
- Application is to be made to RCDOH for review of the storm water management system for compliance with the County Mosquito Code.

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**PB #16-48: Hawks View Estates Subdivision Plan
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**Town of Orangetown Planning Board Decision
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26. Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and no future correspondence is requested for this site.

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

- Rockland County Department of Health
- Rockland County Sewer District #1
- Town of Orangetown Zoning Board of Appeals
- Rockland County Department of Highways
- New York State Department of Environmental Conservation

28. The New York State Department of Environmental Conservation indicated that based upon its review of the circulated documents, it appears that the project may require the following permits:

- Compliance with the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001) – Project is located in MS4 area
- Cultural Resources: Potential Archaeological Site

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

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

31. Where a reservation of land for recreation purposes has been deemed by the Planning Board to be inadequate, Money in Lieu of Land for recreation purposes must be collected in accordance with Section 21-20 of the Land Development Regulations **(\$9,000.00 for every vacant new residential lot – 2 new lots)**. In addition, for every new vacant residential lot, \$80.00 will be collected for the Stream Maintenance Fund.

32. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §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.

TOWN CLERK'S OFFICE

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**PB #16-48: Hawks View Estates Subdivision Plan
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**Town of Orangetown Planning Board Decision
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33. TREE PROTECTION: The following note shall be placed on the Subdivision Plan: The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

- One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of $\frac{3}{4}$ inch of plywood or boards, or equal over the area to be protected.
- The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

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

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

TOWN CLERK'S OFFICE

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**PB #16-48: Hawks View Estates Subdivision Plan
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36. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
37. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).
38. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
39. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and 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
40. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

The foregoing Resolution was made and moved by Bruce Bond and seconded by William Young and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, nay; William Young, aye, Stephen Sweeney, aye; Robert Dell, nay and Thomas Warren, 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: July 27, 2016
Cheryl Coopersmith
Town of Orangetown Planning Board**
attachment

Cheryl Coopersmith

TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN

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

PB #16-48: Hawks View Estates Subdivision Plan; Preliminary Subdivision Plan Approval Subject to Conditions/ Critical Environmental Area/ Neg. Dec.

**Town of Orangetown Planning Board Decision
July 27, 2016**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.
The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

NAME OF ACTION: Hawks View Estates Subdivision Plan - Preliminary Subdivision Plan Approval Subject to Conditions/ Critical Environmental Area/ Neg. Dec.

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

DESCRIPTION OF ACTION: Subdivision Plan Review

LOCATION: The site is located at 290 & 298 South Boulevard, Upper Grandview in the Critical Environmental Area, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lot 22 & 23; in the R-22 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

John Giardiello, P.E., Director, Office of Building, Zoning and Planning
Administration and Enforcement
Town of Orangetown
20 Greenbush Road
Orangeburg, NY 10962

Telephone Number: 845-359-5100

For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent: - Commissioner, New York State Department of Environmental Conservation, - Region 3 Headquarters, Town Supervisor, Applicant, Involved Agencies

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TOWN OF ORANGETOWN

**PB #16-49: Misiorski Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #45377

**Town of Orangetown Planning Board Decision
July 27, 2016
Page 1 of 7**

TO: Jon Feldman, G. Biloba Gardens, Inc. 37 North Broadway, Suite 1,
Nyack, New York 10960

FROM: Orangetown Planning Board

RE: Misiorski Site Plan: The application of Jon Feldman, applicant, for Michael Misiorski, owner, for Preliminary/ Preliminary/ Final Site Plan at a site known as “**Misiorski Site Plan**”, for a landscaping plan located in the Critical Environmental Area, 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 897 Route 9W, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.17, Block 1, Lot 13 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **July 27, 2016** at which time the Board made the following determinations:

Jon Feldman appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 20, 2016.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 27, 2016.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 21, 2016.
4. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated July 25, 2016.
5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated July 25, 2016.
6. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 30, 2016.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated June 28, 2016.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated July 6, 2016.
9. A Short Environmental Assessment Form signed by Jon Feldman dated June 18, 2016.

TOWN CLERKS OFFICE

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TOWN OF ORANGETOWN

**PB #16-49: Misiorski Site Plan
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**Town of Orangetown Planning Board Decision
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10. Landscape Plan Detail, prepared by G. biloba Gardens, dated June 15, 2016.
11. Building Permit Referral to the Planning Board dated May 5, 2016, signed by Glenn Mater, Building Inspector.
12. A letter from Louis Wintermeyer, an abutting property owner in support of the project, dated July 25, 2016.

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

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

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Bruce Bond and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye the Board declared itself Lead Agency.

Pursuant to New York Code, Rules & Regulations (NYCRR) Section 617.7, the Town of Orangetown Planning Board, as lead agency, for the reasons articulated in this Board's analysis of all of the submissions by the applicant, interested agencies, departments and the public, with respect to this project including the Environmental Assessment Form, which reasons are summarized in the motion, hereby determines that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, and having heard from the following offices, officials and/or 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, and having reviewed the drawings presented by the applicant's professional consultants; G. biloba Gardens a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision
July 27, 2016
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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 Bruce Bond and seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye; the Board made a Negative Declaration pursuant to SEQRA.

DECISION: In view of the foregoing and the testimony before the Board, the application was **Granted a 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."

TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN

**PB #16-49: Misiorski Site Plan
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Neg. Dec.**

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**Town of Orangetown Planning Board Decision
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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. The applicant is proposing landscaping, hot tub and retaining walls at an existing residence in the Critical Environmental Area.
4. The Short Environmental Assessment Form appears to be in order except item #5a shall be answered "yes".
5. The landscape plan and the topographic plan shall be combined to show all existing and proposed grading in relationship to the proposed work.
6. A detail for the proposed stone walls shall be added to the plans. It is unclear from the drawings if the proposed stone walls are to act as retaining walls or decorative walls. This shall be clarified on the drawings and details.
7. The datum for the contours shall be given on the drawings.
8. A note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.
9. The existing septic system or sanitary house connection location shall be shown on the plan.
10. Erosion control shall be placed below the patio.
11. 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 and all required permits obtained.
 - The Village of Grand View-on-Hudson is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the eastern property line of the site. As required under Section 239nn of the State General Municipal Law, the Village of Grand View-on-Hudson must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Town of Orangetown.
 - A review must be completed by the Rockland County Department of Highway and all concerns addressed 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.

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**PB #16-49: Misiorski Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

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**Town of Orangetown Planning Board Decision
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12. A Rockland County Highway Department work Permit will not be required for the proposed development.

13. The Rockland County Department of Health reviewed the information and found that there are no Rockland County Department of Health approvals needed for this application.

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

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

16. 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.

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

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:

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TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision
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Continuation of Condition #18...

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

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TOWN OF ORANGETOWN

**PB #16-49: Misiorski Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions
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**Town of Orangetown Planning Board Decision
July 27, 2016
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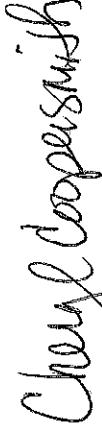
24. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction 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 Bruce Bond, seconded by William Young and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, 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: July 27, 2016
Cheryl Coopersmith
Town of Orangetown Planning Board
Attachment



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2016 AUG 17 PM 12:09
TOWN OF ORANGETOWN

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

**PB #16-49: Misiorski Site Plan - Critical Environmental Area
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

**Town of Orangetown Planning Board Decision
July 27, 2016**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

NAME OF ACTION: Misiorski Site Plan – Critical Environmental Area: Final Site Plan Subject to Conditions/ Neg. Dec.

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 897 Route 9W, Upper Grandview, in the Critical Environmental Area, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.17, Block 1, Lot 13 in the R-22 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent: - Commissioner, New York State Department of Environmental Conservation, - Region 3 Headquarters, NYSDEC, - Town Supervisor, Applicant, Involved Agencies

TOWN CLERKS OFFICE

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TOWN OF ORANGETOWN

PB#16-50: Coffey Site Plan
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.

Permit #45479

Town of Orangetown Planning Board Decision

July 27, 2016

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TO: Bart Rodi, 234 South Grant Avenue, Congers, New York 10920
FROM: Orangetown Planning Board

RE: Coffey Site Plan: The application of Gerard Coffey, owner, for Preliminary/ Preliminary/ Final Site Plan Review at a site known as “**Coffey Site Plan**”, for a new garage and patio 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 west side of Middletown Road, approximately 900 feet north of the intersection of Townline Road, 363 South Middletown Road, Nanuet, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 63.20, Block 1, Lot 1 in the LO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 27, 2016**, the Board made the following determinations:

Gerard Coffey appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 20, 2016.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 27, 2016 and an Amendment dated July 27, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 22, 2016.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated July 22, 2016.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated July 25, 2016.
6. A letter from the Rockland County Highway Department, signed by Sonny Lin, P.E., dated July 27, 2016.
7. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 30, 2016.
8. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer I, dated July 8, 2016.
9. A letter from the Town of Clarkstown Planning Board signed by Peter Streitman, Acting Chair dated July 14, 2016.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated July 6, 2016.

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Town of Orangetown Planning Board Decision
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11. A Short Environmental Assessment Form, signed by Gerard Coffey, undated.
12. Site Plan prepared by Bart Rodi, P.E., dated June 8, 2016, revised June 13, 2016.
13. Building Permit Referral dated June 14, 2016, signed by Glen Maier, Building Inspector.

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

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

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Bruce Bond and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye, the Board declared itself Lead Agency.

Pursuant to New York Code, Rules & Regulations (NYCRR) Section 617.7, the Town of Orangetown Planning Board, as lead agency, for the reasons articulated in this Board's analysis of all of the submissions by the applicant, interested agencies, departments and the public, with respect to this project including the Environmental Assessment Form, which reasons are summarized in the motion, hereby determines that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Bart Rodi, P.E., 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

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Town of Orangetown Planning Board Decision
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agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District No.1, Rockland County Department of Highway, Rockland County Department of Health, and having reviewed proposed Site Plan by prepared by Bart Rodi, P.E., 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 Bruce Bond and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye, the Board made a Negative Declaration pursuant to SEQRA.

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

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

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Town of Orangetown Planning Board Decision
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2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

3. The following 8 variances need to be sought from the Town of Orangetown Zoning Board of Appeals:

Variance	Required	Existing	Proposed
Minimum Lot Area	2 Acres	15,499 sq. ft.	
Minimum Lot Width	300 ft.	100 ft.	
Minimum Street Frontage	150 ft.	100 ft.	
Minimum Front Yard	100 ft.	44.3 ft.	
Minimum Side Yard	100 ft.		20 ft. for new garage
Total Side Yard	200 ft.		60 ft. for new garage
Minimum Rear Yard	100 ft.		13.42 ft. for new garage

Maximum Building Height Allowed is 3.36 ft. (13.42 feet x 3 inches per foot/12 inches = 3.36 feet) and the proposed height of the garage needs to be provided by the applicant.

4. Grading for the new garage shall be shown on the Site Plan.

5. The elevation of the garage shall be shown on the Site Plan.

6. The height of the garage shall be provided in the Bulk Table.

7. The existing 2 story stone and frame dwelling shall be labeled as to its proposed use. Please be advised the existing building has been used as a commercial building since 1978. Separate certificate of occupancies will be required for the proposed garage and existing building.

8. The site plan and new garage building will require review and approval from the Town of Orangetown Architecture and Community Appearance Board of Review.

9. The roof and leader drains shall be shown on the Site Plan.

10. The direction of drainage flows shall be shown on the Site Plan by arrows.

11. A vicinity map shall be provided on the Site Plan.

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2016 JUN 17 PM 12:10

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Town of Orangetown Planning Board Decision
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12. A north arrow shall be provided on the Site Plan.
13. The Short Environmental Assessment Form is incomplete and shall provide a brief description of the proposed action. In addition the signature section needs to provide the date of the signature.
14. Existing and proposed grading shall be added to the plans, including datum and source benchmark with elevations.
15. The existing septic system or sanitary house connection location shall be shown on the plan.
16. The driveway approach along North Middletown Road shall be depicted as being removed (narrowed) where the driveway is being removed.
17. Soil erosion and sediment control plans and details shall be submitted to DEME for review and approval.
18. A location map shall be added to the plan.
19. Iron pins shall be drawn and labeled at each property corner.
20. Typical details shall be added to the plan.

21. Drainage Review Recommendation

The Drainage Consultant to the Planning Board, Brooker Engineering, reviewed the information and plans submitted and held there is an overall reduction in impervious area for this application and the existing drainage pattern is being maintained. Therefore, potential significant adverse impacts with respect to increases in stormwater runoff have been mitigated and therefore recommend that the Coffey Site Plan be approved for drainage subject to the following project comments.

Project Description

This is the first drainage review report to the Planning Board for this project. The Project consists of a new 35 feet by 40 feet detached garage to be constructed behind an existing building. The existing detached garage will be removed and the driveway will be reconfigured based on the location of the new garage. Stormwater runoff currently flows west down the driveway to a grassy area between the garage and the Pfizer parking lot; this drainage pattern will be maintained by the proposed construction. There is a net reduction of impervious area of 145 square feet.

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TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision
July 27, 2016
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Continuation of Condition #21...

Project Comments

1. Existing and proposed topography shall be added to the Site Plan.
 2. A legend, north arrow, and graphic scale shall be added to the Site Plan.
 3. The finished floor elevation of the new garage shall be added to the Site Plan.
 4. Grading shall be shown that directs stormwater runoff around the new garage.
22. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
- A review must be completed by the County of Rockland Department of Highways and all required permits obtained.
23. A Rockland County Highway Department Work Permit will be required for the proposed development.
24. The Rockland County Department of Health (RCDOH), Environmental Health Program reviewed the submission and found that there are no Rockland County Department of Health approvals needed for this application.
25. 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.
26. The Town of Clarkstown Planning Board deemed the matter for local determination.
27. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
- Rockland County Sewer District No. 1
 - Rockland County Department of Health
 - Rockland County Highway Department
 - Town of Orangetown Zoning Board of Appeals

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2016 AUG 17 PM 12:10

TOWN OF ORANGETOWN

- 28.** 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.
- 29.** All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
- 30. 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.
- 31.** 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.
- 32.** 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
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TOWN CLERKS OFFICE

Town of Orangetown Planning Board Decision

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33. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
34. 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).
35. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
36. 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
37. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.
38. 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 Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel aye; William Young, aye; Stephen Sweeney, aye; Robert Dell, aye and Thomas Warren, aye.

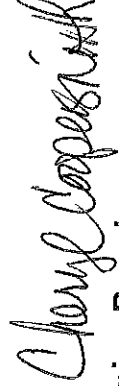
The Clerk to the Board is hereby authorized, directed and empowered to sign this **DECISION** and file a certified copy in the Office of the Town Clerk and the Office of the Planning Board.

Dated: July 27, 2016

Cheryl Coopersmith

Town of Orangetown Planning Board

attachment



TOWN CLERK'S OFFICE

JUL 27 17 PM 12 10

TOWN OF ORANGETOWN

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

PB#16-50: Coffey Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision
July 27, 2016

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

NAME OF ACTION: Coffey Site Plan: Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.

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

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 363 South Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 63.20, Block 1, Lot 1 in the CO zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

John Giardiello, P.E., Director, Office of Building, Zoning and Planning
Administration and Enforcement

Town of Orangetown

20 Greenbush Road

Orangeburg, NY 10962

Telephone Number: 845-359-5100

For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent: - Commissioner, New York State Department of Environmental Conservation, - Region 3 Headquarters, NYSDEC, Town Supervisor, Applicant, Involved Agencies

30 JUL 2016 10:59 AM
OFFICE OF BUILDING, ZONING AND PLANNING
ADMINISTRATION AND ENFORCEMENT
TOWN OF ORANGETOWN

**PB #16-51: Rohland Site Plan Amendment
Final Site Plan Amendment Approval
Subject to Conditions
Reaffirmation of SEQRA**

**Permit # 42945
(Site Plan &
Commercial
Subd.)**

**Town of Orangetown Planning Board Decision
July 27, 2016
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TO: John Atzl, Atzl, Nasher & Zigler, 234 North Main Street
New City, New York 10956

FROM: Orangetown Planning Board

RE: Rohland Site Plan Amendment: The application of Aida Rohland, owner, for an Amendment to Final Site Plan Approval PB#15-51, at a site to be known as “**Rohland Site Plan Amendment**”, 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 401-407 Western Highway, Tappan, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.18, Block 3, Lot 31 in the LO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 27, 2016**, at which time the Board made the following determinations:

Ryan Nasher appeared and testified.

The Board received the following communications:

1. Project Review Committee Report, dated July 20, 2016.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, dated July 27, 2016, signed by John Giardiello, P.E., Director.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated July 22, 2016, signed by Bruce Peters, P.E.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated July 27, 2016.
5. A Narrative Summary entitled “Rohland – Commercial Subdivision & Site Plan”, dated July 20, 2016, prepared by Atzl, Nasher & Zigler, P.C..
6. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, dated July 15, 2016, signed by Michael Bettmann, Chief Fire Inspector.
7. Site Plans prepared by Atzl, Nasher & Zigler P.C., dated September 23, 2014 unless noted, last revision date of June 27, 2016:
 - Drawing 1: Overall existing Condition Plan, dated October 11, 2013
 - Drawing 2: Commercial Subdivision Plan, dated October 11, 2013
 - Drawing 3: Grading Plan
 - Drawing 4: Erosion & Sediment Control Plan
 - Drawing 5: Details
 - Drawing 6: Retaining Wall Details & Profiles
 - Drawing 7: Retaining Wall Notes

TOWN CLERK'S OFFICE
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TOWN OF ORANGETOWN

8. Copies of Board Decisions: PB#15-51, Final Site Plan Approval Subject to Conditions, dated October 28, 2015; PB #13-47, Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec., dated December 10, 2014; ACABOR #15-10, Approved Subject to Conditions, dated March 19, 2015 and ZBA #15-17, NYS Town Law Section 280-a Exception and Side Yard Variance for Lot E, Approved, dated March 4, 2015.

The Board reviewed the Plan.

There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Thomas Warren and seconded by Bruce Bond and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Stephen Sweeney, aye and Thomas Warren, 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 P.C., and the Town of Orangetown's engineering consultant, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having reviewed the proposed Site Plans by prepared by Atzl, Nasher & Zigler P.C., a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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Town of Orangetown Planning Board Decision
July 27, 2016
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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 and seconded by Bruce Bond and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Stephen Sweeney, aye and Thomas Warren, aye; the Board Reaffirmed the Negative Declaration pursuant to SEQRA.

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

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**Town of Orangetown Planning Board Decision
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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 all previous Board Decisions: PB #15-51, Final Site Plan Approval Subject to Conditions, dated October 28, 2015; PB #13-47, Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec., dated December 10, 2014; ACABOR #15-10, Approved Subject to Conditions, dated March 19, 2015 and ZBA #15-17, NYS Town Law Section 280-a Exception and Side Yard Variance for Lot E, Approved, dated March 4, 2015.
4. The applicant's engineer shall provide the structural calculations for the proposed concrete block retaining walls.
5. The site plan and subdivision amended plans shall require review and approval from the Town of Orangetown Architecture and Community Appearance Board of Review.
6. Revised drainage calculations and SWPPP that is consistent with the current Site Plan are required. The area of disturbance has now increased greatly, mostly due to the proposed retaining walls and regrading of tenant areas "A", "B", "C"). This must be addressed in the SWPPP. This increase in the area of disturbance requires additional water quantity and quality controls to be designed and installed.
7. As stated previously, the SWPPP shall describe and include how the proposed underground stormwater management system meets the requirements for Green Infrastructure Practices and Redevelopment (Chapters 5 and 9 of the NYSDEC Stormwater Management Design Manual), as well as Chapters 3 and 4. Also, if it is determined that an alternative practice is to be utilized AND the practice that is proposed is NOT a NYSDEC approved manufactured stormwater management practice (MTD), the applicant's engineer shall provide manufacturers test data, independent (ETV, TAPE or TARP) verification or certification, and be responsible to address quantity controls, pretreatment, bypass, overflow, head configuration, inflow/outflow rates, maintenance, separation distance, accessibility, and safety. (NYSDEC – SMDM: Chapter 9, Section 9.4.1).

TOWN OF ORANGETOWN
TOWN CLERK
2016 AUG 17 10:22 AM

8. The proposed gravel for tenant "E" is not acceptable as it could allow for oils/ grease/ grease/ gases to both infiltrate into the ground and flow into the proposed underground infiltration system. Having these contaminants infiltrate into the ground through the gravel/ infiltrate into the ground through the underground infiltration system/ or pass through the system and on into a stream which is tributary to the Sparkill Creek cannot be allowed. Therefore, the tenant "E" area must be paved and the stormwater from this storage area directed into a designed stormwater system. Also, because runoff from this site eventually enters the Sparkill Creek, the applicant's engineer will demonstrate how any grease/ oils/ gases/ etc. from vehicles/ equipment utilizing this parking lot shall be contained, treated, disposed of, to ensure that they do not enter the creek through any proposed stormwater drainage system.
9. Additional spot elevations shall be added to the Tenant"E" area to ensure all the runoff from this area will be directed to the underground infiltration system.
10. The SWPPP shall indicate if the area of proposed plantings along LO/LI zone line have been added to the area of disturbance.
11. The proposed regrading of tenant areas "A", "B", "C", shall be more clearly defined, i.e. proposed grading lines shall be more prominent on the drawing.
12. The proposed stormwater practice shall be defined; no "or equal" is acceptable.
13. The post construction stormwater maintenance agreement checklist provided shall include the written maintenance instructions, i.e. inspection and cleaning of manifold, inspection and maintenance of infiltration chambers, etc., from the manufacturer as well as a comprehensive checklist that matches said maintenance instructions.
14. **Drainage Review Recommendation:** The applicant has provided provisions for stormwater management facilities to address mitigation for potential increases in stormwater runoff and therefore the Drainage Consultants recommends that the Rohland Site Plan and Commercial Subdivision be approved for drainage subject to the following comments:

This is the fourth drainage review report to the Planning Board for this project; the last review was dated October 26, 2015. The property is located on the east side of Western Highway, approximately 800 feet north of Independence Avenue. The site contains three lots, with the northwest lot adjacent to Western Highway containing a residential structure, the southwest lot along Western Highway being partially utilized, and the eastern lot along the railroad is developed as a contractors' storage yard. The land slopes downhill to the east, towards the railroad. Stormwater management facilities have been provided for this submission.

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Continuation of Condition #14...

The stormwater management facilities have been relocated east to the bottom of the slope. This allows a greater drainage area to be directed to the stormwater management basins and eliminates the 20 feet excavation adjacent to the property line that was proposed in the last plan. A full Stormwater Pollution Prevention Plan has been submitted for this application. The most recent submission shows the proposed gravel area for outdoor storage along the hillside at the west edge of the LI Zone, which more accurately depicts the work in progress that has occurred at the site.

Project Comments

1. As per the December 12, 2013 and December 10, 2014 drainage review reports, the metal building on the east lot is shown as being constructed in 2009. There are retaining walls surrounding the building that affect the flow of stormwater runoff. This section of the property is a large flat area at the bottom of a slope. The flow path of stormwater runoff in this area should be shown. Drainage away from the building in all directions shall be demonstrated. Proposed grading has been added that presumably shows runoff will be directed away from the building to the east, but in the other directions as well, particularly the west and south sides of the building. The retaining wall west of the building is shown as relocated for this submission; proposed grading in this location shall be provided that shows drainage will flow around the building.
2. Portions of the gravel area at the northeast portion of the site are shown as being removed and replaced with grass in the drainage report, which helps in demonstrating a reduction in peak flows in this direction. This shall be shown on the Site Plan as well.
3. The subareas used in the Developed Condition Cover Breakdown and Existing Condition Cover Breakdown maps in the drainage report shall match the subareas used in the hydrologic model.
4. Percolation tests shall be performed at the location of the cul-tech system to verify the assumed percolation rates and separation to the groundwater table.

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**Town of Orangetown Planning Board Decision
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5. The routing calculations for developed conditions shall show the hydrograph for Watershed 1A added to the routed outflow hydrograph for Watershed 1B to determine the flow at Point of Interest 1 (which represents flow to the southern property).
6. The drainage report shall be updated to reflect proposed modifications made at Tenant A space, which not includes more clearing and storage closer to the northern property line.
15. In regard to an amended Site Plan, all tenants conducting a commercial business must apply for and maintain a Certificate of Compliance Fire Safety with the Bureau of Fire Prevention. In regard to any proposed landscaping, the Bureau would prefer non-combustible ground cover to prevent a ground mulch fire and a Fire Department response.
16. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans and all prior Board Decision, prior to signing the final plans.
17. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
18. 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.
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:

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**PB #16-51: Rohland Site Plan Amendment
Final Site Plan Amendment Approval
Subject to Conditions
Reaffirmation of SEQRA**

**Permit # 42945
(Site Plan &
Commercial
Subd.)**

**Town of Orangetown Planning Board Decision
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Continuation of Condition #19...

- 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 $\frac{3}{4}$ 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.

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

TOWN CLERKS OFFICE

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TOWN OF ORANGETOWN

**PB #16-51: Rohland Site Plan Amendment
Final Site Plan Amendment Approval
Subject to Conditions
Reaffirmation of SEQRA**

**Permit # 42945
(Site Plan &
Commercial
Subd.)**

**Town of Orangetown Planning Board Decision
July 27, 2016
Page 9 of 9**

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.

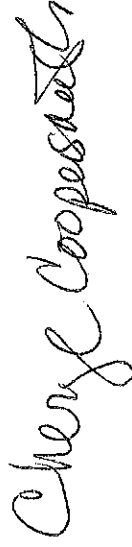
25. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction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

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

The foregoing Resolution was made and moved by Thomas Warren and seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; William Young, aye; Thomas Warren, aye; Robert Dell, aye; Stephen Sweeney, aye and Michael Mandel, 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: July 27, 2016
Cheryl Coopersmith
Town of Orangetown Planning Board**



TOWN CLERKS OFFICE

JUL 27 PM 12 11

TOWN OF ORANGETOWN

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

PB #16-51: Rohland Site Plan Amendment- Final Site Plan Amendment
Approval Subject to Conditions

Town of Orangetown Planning Board Decision
July 27, 2016

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

NAME OF ACTION: Rohland Site Plan Amendment- Final Site Plan
Amendment Approval Subject to Conditions

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

DESCRIPTION OF ACTION: Site Plan Amendment Review

LOCATION: The site is located at 401-407 Western Highway, Tappan, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.18, Block 3, Lot 31 in the LO zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent: - Commissioner, New York State Department of Environmental Conservation, - Region 3 Headquarters, NYSDEC, - Town Supervisor, Applicant, Involved Agencies

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TOWN OF ORANGETOWN

**PB #16-52: Rohland Commercial Subdivision
Plan Amendment
Final Approval Subject to Conditions
Reaffirmation of SEQRA**

**Permit # 42945
(Site Plan &
Commercial
Subd.)**

**Town of Orangetown Planning Board Decision
July 27, 2016
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TO: John Atzl, Atzl, Nasher & Zigler, 234 North Main Street
New City, New York 10956

FROM: Orangetown Planning Board

RE: Rohland Resubdivision Plan Amendment: The application of Aida Rohland, owner, for an Amendment to Final Resubdivision Plan Approval PB#15-52, at a site to be known as “**Rohland Resubdivision Plan Amendment**”, 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 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 401-407 Western Highway, Tappan, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.18, Block 3, Lot 31 in the LO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 27, 2016** at which time the Board made the following determinations:

John Atzl and Scott Dow appeared and testified.

The Board received the following communications:

1. Project Review Committee Report, dated July 20, 2016.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, dated July 27, 2016, signed by John Giardiello, P.E., Director.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated July 22, 2016, signed by Bruce Peters, P.E.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated July 27, 2016.
5. A Narrative Summary entitled “Rohland – Commercial Subdivision & Site Plan”, dated July 20, 2016, prepared by Atzl, Nasher & Zigler, P.C.
6. A Commercial Subdivision Plan prepared by Atzl, Nasher & Zigler P.C., dated October 11, 2013, last revision date of June 27, 2016.
7. A Copy of the following Board Decision: PB #15-52, Final Commercial Subdivision Plan Approval Subject to Conditions, dated October 28, 2015; PB #13-48, Preliminary Approval Subject to Conditions, dated December 10, 2014; ACABOR #15-10, Approved Subject to Conditions, dated March 19, 2015 and ZBA #15-17, NYS Town Law Section 280-a Exception and Side Yard Variance for Lot E, Approved, dated March 4, 2015.

The Board reviewed the Plan.

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**Town of Orangetown Planning Board Decision
July 27, 2016
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There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Thomas Warren and seconded by Bruce Bond and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Stephen Sweeney, aye and Thomas Warren, 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 P.C., and the Town of Orangetown's engineering consultant, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having reviewed the proposed Site Plans by prepared by Atzl, Nasher & Zigler P.C., 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;

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Town of Orangetown Planning Board Decision
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- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

On motion by Michael Mandel and seconded by Bruce Bond and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Stephen Sweeney, aye and Thomas Warren, aye; the Board Reaffirmed the Negative Declaration pursuant to SEQRA.

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

1. The following note shall be placed on the Subdivision Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Subdivision 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 all previous Board Decisions: PB #15-52, Final Commercial Subdivision Plan Approval Subject to Conditions, dated October 28, 2015; PB #13-48, Preliminary Approval Subject to Conditions, dated December 10, 2014; ACABOR #15-10, Approved Subject to Conditions, dated March 19, 2015 and ZBA #15-17, NYS Town Law Section 280-a Exception and Side Yard Variance for Lot E, Approved, dated March 4, 2015.

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4. Drainage Review Recommendation: The applicant has provided provisions for stormwater management facilities to address mitigation for potential increases in stormwater runoff and therefore the Drainage Consultants recommends that the Rohland Site Plan and Commercial Subdivision be approved for drainage subject to the following comments:

This is the fourth drainage review report to the Planning Board for this project; the last review was dated October 26, 2015. The property is located on the east side of Western Highway, approximately 800 feet north of Independence Avenue. The site contains three lots, with the northwest lot adjacent to Western Highway containing a residential structure, the southwest lot along Western Highway being partially utilized, and the eastern lot along the railroad is developed as a contractors' storage yard. The land slopes downhill to the east, towards the railroad. Stormwater management facilities have been provided for this submission.

The stormwater management facilities have been relocated east to the bottom of the slope. This allows a greater drainage area to be directed to the stormwater management basins and eliminates the 20 feet excavation adjacent to the property line that was proposed in the last plan. A full Stormwater Pollution Prevention Plan has been submitted for this application. The most recent submission shows the proposed gravel area for outdoor storage along the hillside at the west edge of the LI Zone, which more accurately depicts the work in progress that has occurred at the site.

Project Comments

1. As per the December 12, 2013 and December 10, 2014 drainage review reports, the metal building on the east lot is shown as being constructed in 2009. There are retaining walls surrounding the building that affect the flow of stormwater runoff. This section of the property is a large flat area at the bottom of a slope. The flow path of stormwater runoff in this area should be shown. Drainage away from the building in all directions shall be demonstrated. Proposed grading has been added that presumably shows runoff will be directed away from the building to the east, but in the other directions as well, particularly the west and south sides of the building. The retaining wall west of the building is shown as relocated for this submission; proposed grading in this location shall be provided that shows drainage will flow around the building.
2. Portions of the gravel area at the northeast portion of the site are shown as being removed and replaced with grass in the drainage report, which helps in demonstrating a reduction in peak flows in this direction. This shall be shown on the Site Plan as well.

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Continuation of Condition #4...

3. The subareas used in the Developed Condition Cover Breakdown and Existing Condition Cover Breakdown maps in the drainage report shall match the subareas used in the hydrologic model.
4. Percolation tests shall be performed at the location of the cul-tech system to verify the assumed percolation rates and separation to the groundwater table.
5. The routing calculations for developed conditions shall show the hydrograph for Watershed 1A added to the routed outflow hydrograph for Watershed 1B to determine the flow at Point of Interest 1 (which represents flow to the southern property).
6. The drainage report shall be updated to reflect proposed modifications made at Tenant A space, which not includes more clearing and storage closer to the northern property line.
5. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 1. An updated review must be completed by the County of Rockland Department of Highways. The comments in the March 3, 2015 letter must be addressed. All required permits must be obtained.
 2. A 14.375 foot easement is being provided to the Town of Orangetown. However, since this is a county highway, a gratuitous dedication must be made to the County of Rockland instead.

6. The Rockland County Department of Highways reviewed the plans and offered the following remark for consideration:

- The strip between the property line along Western Highway and the DSL Line shall be gratuitously dedicated to the County of Rockland for inclusion in the county highway system together with an acceptable titled policy. The above document shall be ready to be filed by the County Highway Department in the county clerk's office before Work Permit can be issued for the proposed construction and must be secured prior to the start of any construction on site.
- Rockland County Highway Department Work Permit will be required for the proposed construction and must be secured prior to the start of any excavation or construction activities on site.

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

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

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9. 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.

10. TREE PROTECTION: The following note shall be placed on the Subdivision Plan:

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

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

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Continuation of Condition #10...

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.

- 11.** All landscaping shown on the 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.
- 12.** 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.
- 13.** The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
- 14.** If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).

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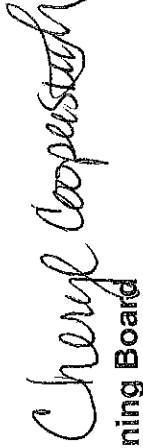
Town of Orangetown Planning Board Decision
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15. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
16. Prior (at least 14 days) to the placing of any road sub-base, 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
17. The Planning Board shall retain jurisdiction over lighting, landscaping, and signs and refuse control.

The foregoing Resolution was made and moved by Michael Mandel and seconded by William Young and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; William Young, aye; Thomas Warren, aye; Robert Dell, aye; Stephen Sweeney, aye and Michael Mandel, 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: July 27, 2016
Cheryl Coopersmith
Town of Orangetown Planning Board



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

PB #16-52: Rohland Resubdivision Plan Amendment- Final Resubdivision
Plan Amendment Approval Subject to Conditions

Town of Orangetown Planning Board Decision
July 27, 2016

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

NAME OF ACTION: Rohland Resubdivision Plan Amendment- Final
Resubdivision Plan Amendment Approval Subject to Conditions

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

DESCRIPTION OF ACTION: Resubdivision Plan Amendment Review

LOCATION: The site is located at 401-407 Western Highway, Tappan, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.18, Block 3, Lot 31 in the LO zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent: - Commissioner, New York State Department of Environmental Conservation, - Region 3 Headquarters, NYSDEC, - Town Supervisor, Applicant, Involved Agencies

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TOWN OF ORANGETOWN

**PB #11-49: Bailey's Smoke House Resubdivision Plan
Preliminary Resubdivision Plan Approval
Subject to Conditions
Neg. Dec.**

**Town of Orangetown Planning Board Decision
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TO: Donald Brenner, 4 Independence Avenue, Tappan, New York, 10983
FROM: Orangetown Planning Board

RE: Bailey's Smoke House Resubdivision Plan, a continued item: The application of D.P. Bailey, LLC, owner, for Preliminary/ Preliminary/ Final Resubdivision Plan Review, at a site known as "**Bailey's Smoke House 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 21 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 132 and 136 Erie Street, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.14, Block 4, Lots 5 & 6 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, October 26, 2011, Monday, November 9, 2015, Wednesday, April 13, June 22, July 13 and July 27, 2016**, at which time the Board made the following determinations:

Chairman Garvey recused himself from the proceedings of the meeting.

October 26, 2011

Paul Bailey and Jeffrey Steeholm Small appeared and testified.

The Board received the following communications:

1. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated October 26, 2011.
2. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 20, 2011.
3. A letter from Rockland County Department of Planning, signed by Eileen Miller dated October 6, 2011.
4. Letters from the Rockland County Department of Highways, signed by Joseph Arena, October 19, 2011.
5. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated October 12, 2011.
6. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated September 20, 2011.
7. An interdepartmental memorandum from the Bureau of Fire Prevention, signed by Michael B. Bettmann, Chief Fire Inspector, dated September 22, 2011.
8. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated October 24, 2011.

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TOWN OF ORANGETOWN

**PB #11-49: Bailey's Smoke House Resubdivision Plan
Preliminary Resubdivision Plan Approval
Subject to Conditions
Neg. Dec.**

**Town of Orangetown Planning Board Decision
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9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated September 21, 2011.
10. An interdepartmental memorandum from the Highway Department, Town of Orangetown, signed by James J. Dean, Superintendent, dated October 26, 2011.
11. A Short Environmental Assessment Form signed by Paul Bailey, undated.
12. A letter from Jeffrey S. Small, AIA LEED, A.P., dated September 15, 2011.
13. Survey Map prepared by Robert R. Rahnefeld, dated February 10, 2005.
14. Plans prepared by Terigni & Palachek & Jeffrey Steeholm Small, Architect, dated May 9, 2011, last revision July 18, 2011:
 - C1.1: Existing Site Plan
 - C1.2: Propose Site Plan
 - A2.2: Elevations
15. Renderings of the proposed project, prepared by Terigni & Palachek.

Public Comments:

Ed Olsen, 12 North Moison Road, Blauvelt, raised concerns regarding the existing noise conditions and does not want further development of the site.

Melanie Kirshawl, 3 North Moison Road, Blauvelt, requested additional information regarding the proposed use of the site as a Beer Garden. She questioned the methodology of the parking calculations.

Carman Velasquez, 46 Moison Road, Blauvelt, expressed concerns regarding the removal of trees on the site and the location of the dumpster near her property.

Ethna Mullan, 17 North Moison Road, Blauvelt, noted that the existing noise from the site is intolerable and is unhappy with the proposed additional use.

Thomas Mulholland, 25 Moison Road, Blauvelt, raised issue with the comment that further development of the site would not depreciate the value of his property. He believed that his property value would decrease if the site is developed as proposed.

Michael Marucci, 20 North Moison Road, Blauvelt, requested a 25 foot conservation easement be placed between the residential lots and the lot #7. Also, Mr. Marucci requested that natural vegetative buffers be used instead of fences.

Jackie Olson, 12 North Moison Road, requested information regarding the other uses on the applicant's property.

The applicant requested a **CONTINUATION**.

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TOWN OF ORANGETOWN

**PB #11-49: Bailey's Smoke House Resubdivision Plan
Preliminary Resubdivision Plan Approval
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Neg. Dec.**

**Town of Orangetown Planning Board Decision
July 27, 2016
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November 9, 2015
Paul Bailey and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated November 4, 2015.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated November 9, 2015.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated November 6, 2015.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated November 3, 2015.
5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated November 9, 2015.
6. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., dated October 23, 2015.
7. A letter from the Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated October 20, 2015.
8. Site Plan prepared by Anthony Celentano, P.E., dated July 28, 2015.
9. Architectural Plans prepared by Harry Goldstein, R.A., dated June 5, 2015:
 - Sheet 1 of 2: Front Elevation
 - Sheet 2 of 2: Main Floor, Foundation/ Plumbing, Accessibility Detail and Typical Wall Section

The hearing was then opened to the Public.

Public Comments:

Nikki Mulholland, 25 North Moison Road, raised concerns regarding applicant not complying with site plan approval. She requested that the Board not hear the application until they clean up the site.

Lisa Marucci, 20 North Moison Road, noted that the site is not maintained and expansion of the site onto Moison Road is not acceptable. The project will create more traffic and noise to the area and requested a buffer be placed on the applicant's property. Ms Marucci noted that there was an outdoor kitchen on the site.

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PB #11-49: Bailey's Smoke House Resubdivision Plan – Preliminary Approval Resubdivision Plan Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

July 27, 2016

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Melanie Garvey, 16 North Moison Road, agreed with Marucci and Mulholland, noting that people coming from the applicant's site urinate and soil their and neighbor's properties. She requested that any violations be remedied prior to any new building permits be given to the applicant. Ms Garvey held the Baily's have become intrusive to the neighborhood.

Elizabeth Pandofelli, 66 North Moison Road, discussed traffic safety on Erie Street and Moison Road, noting that delivery trucks do not belong in a residential area.

Mike Marucci, 20 Moison Road, abutting neighbor to the rear of the lot, presented photographs of trees on his property. He held that Bailey's has been a bad neighbor and requested that the Board have the applicant create a vegetative buffer even if the current plans don't go through with the Board. Mr. Marucci also presented photographs of beer truck deliveries off of Moison Road.

Scott Sweeney, an area resident, requested details regarding the type of proposed buffer that the applicant would be placing along the property line.

Edward Olson, 12 North Moison Road, the first house next to the project site, raised concerns regarding noise from the site. He noted that it has been loud this past year and wanted to know if there will be a new dining area on the second floor of the second building.

Ethna Mullan, 17 North Moison Road, opposed the changes to the Baily's site plan. She discussed traffic safety issues in and around Erie and Moison Roads and the noise and smells coming from the project site.

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

The applicant requested a **CONTINUATION**.

April 13, 2016

Paul Bailey, Joe Holland and Donald Brenner appeared and testified.

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TOWN OF ORANGETOWN

**PB #11-49: Bailey's Smoke House Resubdivision Plan
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Subject to Conditions
Neg. Dec.**

**Town of Orangetown Planning Board Decision
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The Board received the following communications:

1. Project Review Committee Report dated April 6, 2016.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated April 13, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated April 7, 2016.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated April 5, 2016.
5. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated March 31, 2016.
6. A letter signed by Melanie Garvey, dated April 11, 2016, with an attachment.
7. Sanitary Sewer Analysis prepared by Anthony Celentano, P.E., dated February 9, 2016.
8. A letter from Anthony Celentano, P.E., dated February 9, 2016.
9. A Subdivision Plan prepared by Anthony Celentano, PLS, dated July 28, 2015.

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

Public Comment:

Mike Marucci, 20 North Moison Road, abutting neighbor to the rear of the lot, raised concerns regarding privacy of his property due to noise, lights, and sounds coming from the project site. He added that the applicant has used awnings to expand the kitchen area of the building. Mr. Marucci held that it was not unreasonable to request a 50 foot conservation easement on the applicant's property.

Lisa Marucci, 20 North Moison Road, requested that the addition should not be considered until the violations are cleared. Since the vegetative buffer has been removed, she cannot enjoy her backyard and patrons using the site cut through to North Moison Road. In addition, the rear enclosure was not included on the previous site plan presented to the Board, she is opposed to outdoor dining and that patrons use the neighborhood as outdoor bathrooms.

Nikki Mulholland, 25 North Moison Road, requested that a berm be extended to the north to prevent the cut through the project site and asked that a Landscaping plan be provided for public review prior to permit issuance and any construction to ensure the neighbors are protected. She submitted pictures of the buffer prior to its removal. Ms Mulholland held that awnings were put up to extend the kitchen area and requested that they be removed and the kitchen area be placed back into the building.

Dava Bailey, 136 East Erie Street, in defense of her husband, she held that due to 2012 Super Storm Sandy, trees and tree limbs fell on the property and became a safety issue, and removal was not meant to upset the neighbors. At the same time frame, the neighbors stated that the vegetation was removed and the cut through was used by everyone here, also used to park cars. Mrs. Bailey stated that they placed cones and chains to prevent the cut through, however people removed the barriers.

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The applicant requested a **CONTINUATION**.

June 22, 2016

Anthony Celentano, Harry Goldstein, Kathleen Saral, Paul Bailey, and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated June 15, 2016.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated June 22, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 17, 2016.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated June 6, 2016.
5. A letter from Melanie Garvey, abutting neighbor, dated June 20, 2016
6. Site Plans prepared by Anthony Celentano, PLS, dated July 28, 2015, last revision date of April 27, 2016:
 - Sheet 1 of 2
 - Sheet 2 of 2
7. Architectural Plans prepared by Harry Goldstein, R.A., dated June 5, 2016:
 - Sheet 1: Front and Rear Elevations
 - Sheet 2: Left Elevation
 - Sheet 3: Main Floor, Foundation, Typical Wall Section
8. A copy of the Short Environmental Assessment Form dated October 5, 2015.

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

Public Comment:

Mike Marucci, 20 North Moison Road, abutting neighbor to the rear of the lot, noted that the violation still remained outstanding and wanted the Permit number to be placed on the Site Plans. He stated that all the neighbors are concerned about the proposed outdoor dining area; the plans appeared to have 17 tables, which appeared excessive.

Lisa Marucci, 20 North Moison Road, requested that the vegetative buffer should be planted before the application goes any further. She noted that a wood pile has been on the property for a while and should be removed. Ms Marucci requested that the handicap parking not be placed on Moison Road.

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Melanie Kirshawl, 3 North Moison Road, expressed concerns regarding the location of the existing walk in freezer and requested that it be relocated. She questioned some notations on the site plan, noting "out of date".

Nikki Mulholland, 25 North Moison Road, requested that the Board not approve the site plan until the vegetative buffer be in place, that no outdoor dining be approved, and that the applicant present its permit for the outdoor smokers. She questioned the applicant's ability to have a refrigerator truck on site and was opposed to any type of outdoor dining on the site.

Edward Olson, 12, North Moison Road, raised concerns regarding noise from the patrons using the outdoor dining at the site. He also expressed concerns regarding the impact of the development on drainage to the neighborhood if the elevations of the site were changed

**The applicant requested a CONTINUATION of the application to the
July 13, 2016 Board meeting.**

July 13, 2016

Anthony Celentano, Harry Goldstein, Kathleen Saral, Paul Bailey, and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 6, 2016.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 13, 2016.
3. Plan prepared by Anthony Celentano, PLS, dated July 28, 2015, last revision date of July 5, 2016.
4. Site Plans prepared by Anthony Celentano, PLS, dated July 28, 2015, last revision date of July 5, 2016:
 - Sheet 1 of 2
 - Sheet 2 of 2
5. Architectural Plans prepared by Harry Goldstein, R.A., dated June 5, 2016:
 - Sheet 1: Front and Rear Elevations
 - Sheet 2: Left Elevation
 - Sheet 3: Main Floor, Foundation, Typical Wall Section
6. Landscape Plan prepared by Land Design Studio, signed by Steve Griggs, ASLA, dated July 5, 2016.
7. A letter from Melanie Garvey, abutting neighbor, dated July 13, 2016

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

Public Comment:

Edward Olson, 12, North Moison Road, noted that the submitted plans are confusing, and questioned if the building is going to increase in height or is the footprint of the structure going to increase. He raised concerns that the surrounding area was residential and that the noise from the restaurant would increase. He asked the Board where else in Orangetown is there outdoor dining.

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Mike Marucci, 20 Moison Road, abutting neighbor to the rear of the lot, read from a petition in opposition to the project and noted that a petition would be submitted to the Town in future. Mr. Marucci requested that there be no parking on Moison Road, requested that a berm be planted and that there be no outdoor dining at the site.

Lisa Marucci, 20 North Moison Road, had concerns that the site would remain as is with all the problems of garbage, violations, and no buffer if the Site Plan is granted by the Planning Board.

Nikki Mulholland, 25 North Moison Road, wanted to know where the refrigeration unit would be moved. She opposed the outdoor dining on the site, handicap parking and traffic on Moison Road and requested that Board not to approve the site plan until the vegetative buffer be in place

Sherri Fitzpatrick, 66 North Moison Road, expressed concerns regarding the proposal for outdoor dining at the site. She also opposed the proposed parking on the Moison side of the site plan, stating that there was not enough room for 2 cars on site selected for the handicap parking.

Melanie Kirshawl, 3 North Moison Road, expressed concerns regarding the construction of a handicap ramp on Moison Road. She held that once a public entrance to the restaurant is created on that side of the property, additional cars and people will start to park and use Moison Road as an entrance to the property.

The applicant requested a CONTINUATION.

July 27, 2016

Anthony Celentano, Harry Goldstein, Kathleen Saral, Paul Bailey, and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 20, 2016.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 27, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 22, 2016.
4. Subdivision Plan prepared by Anthony Celentano, PLS, dated July 28, 2015, last revision date of July 18, 2016.

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5. Landscape Plan prepared by Land Design Studio, signed by Steve Griggs, ASLA, dated July 5, 2016, Revised July 17, 2016.
6. Architectural Plans prepared by Harry Goldstein, R.A., dated June 5, 2016: Sheet 3: Main Floor, Foundation, Typical Wall Section
7. A letter from Melanie Garvey, abutting neighbor, dated July 27, 2016

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

Public Comment:

Mike Marucci, 20 North Moison Road, abutting neighbor to the rear of the lot, was against parking of any type on Moison Road. He wanted the buffer on the property to be in place prior to other work on the site. Mr. Marucci was against the proposed outdoor dining.

Lisa Marucci, 20 North Moison Road, raised concerns regarding the placement of parking that accesses Moison Road. She wanted the buffer reinstated before any other work begins on the site.

Edward Olson, 12, North Moison Road, requested the Board that no commercial activity is granted for Moison Road since that road is a residential roadway. He requested information regarding the buffer, landscaping, lighting, and the height of the proposed structure.

Nikki Mulholland, 25 North Moison Road, requested information that related to items outlined on the DEME memo dated July 22, 2016 to the Planning Board. She was against placing the handicap parking spaces on the Moison Road side of the building, believing that other people will park their cars on Moison Road and use the handicap parking entrance to the building. Ms. Mulholland held that additional cars parking along Moison Road would create a conflict with existing resident's cars and school buses that use the roadway.

Melanie Kirshawl, 3 North Moison Road, expressed a concern that once the Planning Board renders the Preliminary Decision regarding the placement of handicap parking, is there any recourse or possibility to have the spaces relocated to an alternative location.

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

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Thomas Warren and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, recused; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye; the Board declared itself Lead Agency.

11-21-16
TOWN OF ORANGE

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Pursuant to New York Code, Rules & Regulations (NYCRR) Section 617.7, the Town of Orangetown Planning Board, as lead agency, for the reasons articulated in this Board's analysis of all of the submissions by the applicant, interested agencies, departments and the public, with respect to this project including the Environmental Assessment Form, which reasons are summarized in the motion, hereby determines that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, 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 Highways, Rockland County Department of Health and having reviewed the drawings presented by Anthony Celentano, P.E., of the Subdivision, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

On motion by Thomas Warren and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, recused; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, nay; Thomas Warren, aye and Stephen Sweeney, aye; the Board made a Negative Declaration pursuant to SEQRA.

DECISION: In view of the foregoing and the testimony before the Board, the application was **Granted a Preliminary Resubdivision 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 multiple lines that appear to cross over/ through the handicap parking area of Lot 70.14-4-5 and into Lot 70.14-4-4 were previously labeled as contours and are now not labeled. What do these lines represent?
4. Outdoor ovens are shown on the current plan for Lot #70.14-4-6 but not on the previous submission. Was this approved? Does this require Rockland County Department of Health approval?
5. The benchmark elevation shall be given on the plan.

6. Drainage Review Recommendation: The drainage information and proposed grading plan provided for this submission demonstrates that potential significant adverse impacts with respect to drainage can be mitigated and the Drainage Consultants recommends that the D.P. Bailey, LLC Site Plan and Subdivision Plan be approved for drainage subject to the following comments:

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Continuation of Condition #6...

Project Description

This is the third drainage review report to the Planning Board for this site plan and subdivision application; the last review was dated April 5, 2016. The subdivision consists of merging tax lots 70.14-4-6 and 70.14-4-5, which are the two western lots that contain the two buildings on the site and a new front terrace. The Site Plan consists of a building addition to connect the two existing buildings on the property. Modifications of the parking lot are also indicated as part of the site plan. The parking lot is mostly a gravel surface, and runoff flows downhill in an easterly direction toward a swale along the west side of the Consolidated Rail Corps railroad along the east property line of the site. The swale is very flat, and the direction of water flow within this swale is not clear based on the survey. There is a berm along this property line that controls how runoff leaves the parking lot and enters the swale. Stormwater calculations have been provided and a detention facility has been added. For this submission, the existing gravel parking lot uses an assumed soil ground cover for existing conditions.

Project Comments

1. As per the November 3, 2015 and April 5, 2016 reports, the existing drainage west of the east building (the restaurant building) flows east towards the east building; the building addition may create a damming effect that will result in ponding. More detail is needed of the grading in this area to demonstrate that the addition will not block surface runoff on the west side of the existing building from the natural flow pattern. Proposed contours shall be added at the northwest corner of this building to show that runoff will not be directed to the property to the north.
2. As per the November 3, 2015 and April 5, 2016 reports, the survey is incomplete in the rear of two story frame dwelling. Positive drainage away from the existing buildings and proposed addition shall be shown for this area. Top and bottom of wall elevations shall be added and proposed contours shall be provided that demonstrate positive drainage around the buildings that is not directed to the property to the north.
3. As per the November 3, 2015 and April 5, 2016 reports, proposed spot grades at the corners of the proposed terrace shall be added and positive drainage away from the terrace shall be demonstrated. Proposed ground cover in this area where parking is being removed shall be shown.

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Continuation of Condition #6...

4. As per our April 5, 2016 report, the limit of land area disturbance has been added to the plan and is listed as 0.57 acres; however, this includes just the area of new gravel parking and stormwater management facility. Areas outside the location delineated as the "area of disturbance" include parking areas and other structures to be removed. A determination shall be made by DEME if these areas should be part of the area of disturbance and if a SWPPP is required.
 5. The limit of new full height curb and drop curb along Erie Street shall be added to the plan.
 6. The curve number of 74 for existing conditions off-site open space as per the curve number worksheet shall be used when calculating the composite curve number for this subarea in the hydrologic model.
 7. A detail of the trash rack shall be added to demonstrate that the openings will prevent clogging of the four inch control orifice.
 8. A maintenance schedule for the detention basin shall be added to the Site Plan.
7. Rockland County Sewer District (District) had the following comments which are incorporated herein as conditions of approval:
- 1) The District owns and maintains sewers in two an easement on Tax Lot 70.14-4-7:
 - a) No permanent structures may be built within the District easements.
 - b) If any foundation work or other types of major excavation work is to be done within close proximity to the easement boundary, the District must be notified forty-eight (48) hours in advance. Shoring or other types of precautions may be needed to protect the sewer main. The property owner must also pay these expenses.
 - c) To prevent any damages from occurring to the existing main, the District must be notified when the land within the easement is to be modified. This includes but is not limited to regrading, raising or lowering of manhole frames, or working in close proximity to sewers and manholes within the easement.
 - d) The District office must approve any construction to be done with the District easements.

2) A contractor must obtain required insurance and sign a waiver to defend, indemnify, save and hold harmless both the County of Rockland and Rockland County Sewer District No. 1 from any claims arising from work performed with its easements.

3) The referenced project is located outside of Rockland County Sewer District No. 1 boundaries. If any building on this site connects to the District's sewer, then the terms and conditions for an out-of-District hookup will apply, and the District's "Commercial/ Non-residential Waste water Questionnaire" must be submitted to and approved by the District.

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8. The Rockland County Department of Health (RCDOH), Environmental Health Program reviewed the submission provided the following comments:
- Application is to be made to the Rockland County Department of Health for review of the Stormwater Management system for compliance with the County Mosquito Code.
9. Rockland County Department of Highways reviewed the submission and based upon the material provided, the Rockland County Highway Department found the proposed action will have no foreseeable adverse impact upon County Roads in the area.
10. The Town of Orangetown Highway Department recommends that the applicant consider relocating the easterly end of the proposed addition so that it is a minimum of 10 feet from the south property line.
11. 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.
12. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
- Rockland County Health Department
 - Town of Orangetown Zoning Board of Appeals
 - Rockland County Sewer District #1
 - Rockland County Department of Highways
 - New York State Department of Transportation

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

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

15. TREE PROTECTION: The following note shall be placed on the Subdivision Plan:

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

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Continuation of Condition #15...

- 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.

16. 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.

17. 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.

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

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19. 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).

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

21. 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

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

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

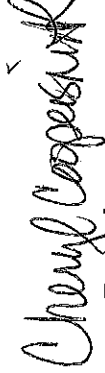
The Clerk to the Board is hereby authorized, directed and empowered to sign this **DECISION** and file a certified copy in the Office of the Town Clerk and the Office of the Planning Board.

Dated: July 27, 2016

Cheryl Coopersmith

Town of Orangetown Planning Board

Attachment



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TOWN OF ORANGETOWN

**State Environmental Quality Review Regulations
NEGATIVE DECLARATION**

**Notice of Determination of Non-Significance
PB #11-49: Bailey's Smoke House Resubdivision Plan – Preliminary
Approval Resubdivision Plan Subject to Conditions/ Neg. Dec.**

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This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

**NAME OF ACTION: Bailey's Smoke House Resubdivision Plan –
Preliminary Approval Resubdivision Plan Subject to Conditions/ Neg. Dec.**
SEQR STATUS: Type I _____ Unlisted XXXXXX
CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Resubdivision Plan Review

LOCATION: The site is located at 132 and 136 Erie Street, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.14, Block 4, Lots 5 & 6 in the CS zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent: - Commissioner, New York State Department of Environmental Conservation, - Region 3 Headquarters, NYSDEC, - Town Supervisor, Applicant, Involved Agencies

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TO: Donald Brenner, 4 Independence Avenue, Tappan, New York 10983
FROM: Orangetown Planning Board

RE: Bailey's Smoke House Site Plan, a continued item: The application of D.P. Bailey, LLC, owner, for Preliminary/ Preliminary Site Plan Review, at a site known as "**Bailey's Smoke House 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 132, 136 & 140 Erie Street, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.14, Block 4, Lots 5, 6 & 7 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, October 26, 2011, Monday, November 9, 2015, Wednesday, April 13, June 22, July 13 and July 27, 2016**, at which time the Board made the following determinations:

Chairman Garvey recused himself from the proceedings of the meeting.

October 26, 2011

Paul Bailey and Jeffrey Steeholm Small appeared and testified.

The Board received the following communications:

1. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated October 26, 2011.
2. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 20, 2011.
3. A letter from Rockland County Department of Planning, signed by Eileen Miller dated October 6, 2011.
4. Letters from the Rockland County Department of Highways, signed by Joseph Arena, October 19, 2011.
5. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated September 20, 2011.
6. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated October 12, 2011.
7. An interdepartmental memorandum from the Bureau of Fire Prevention, signed by Michael B. Bettmann, Chief Fire Inspector, dated September 22, 2011.
8. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated October 24, 2011.

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9. An interdepartmental memorandum from the Highway Department, Town of Orangetown, signed by James J. Dean, Superintendent, dated October 26, 2011.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated September 21, 2011.
11. A Short Environmental Assessment Form signed by Paul Bailey, undated.
12. A letter from Jeffrey S. Small, AIA LEED, A.P., dated September 15, 2011.
13. Survey Map prepared by Robert R. Rahnefeld, dated February 10, 2005.
14. Plans prepared by Terigni & Palachek & Jeffrey Steeholm Small, Architect, dated May 9, 2011, last revision July 18, 2011:
 - C1.1: Existing Site Plan
 - C1.2: Propose Site Plan
 - A2.2: Elevations
15. Renderings of the proposed project, prepared by Terigni & Palachek.

Public Comments:

Ed Olsen, 12 North Moison Road, Blauvelt, raised concerns regarding the existing noise conditions and does not want further development of the site.

Melanie Kirshawl, 3 North Moison Road, Blauvelt, requested additional information regarding the proposed use of the site as a Beer Garden. She questioned the methodology of the parking calculations.

Carman Velasquez, 46 Moison Road, Blauvelt, expressed concerns regarding the removal of trees on the site and the location of the dumpster near her property.

Ethna Mullan, 17 North Moison Road, Blauvelt, noted that the existing noise from the site is intolerable and is unhappy with the proposed additional use.

Thomas Mulholland, 25 Moison Road, Blauvelt, raised issue with the comment that further development of the site would not depreciate the value of his property. He believed that his property value would decrease if the site is developed as proposed.

Michael Marucci, 20 North Moison Road, Blauvelt, requested a 25 foot conservation easement be placed between the residential lots and the lot #7. Also, Mr. Marucci requested that natural vegetative buffers be used instead of fences.

Jackie Olson, 12 North Moison Road, requested information regarding the other uses on the applicant's property.

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The applicant requested a **CONTINUATION**.

November 9, 2015
Paul Bailey and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated November 4, 2015.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated November 9, 2015.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated November 6, 2015.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated November 3, 2015.
5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated November 3, 2015.
6. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFiandra, Engineer II, dated October 20, 2015.
7. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 23, 2015.
8. Site Plan prepared by Anthony Celentano, P.E., dated July 28, 2015.
9. Architectural Plans prepared by Harry Goldstein, R.A., dated June 5, 2015:
 - Sheet 1 of 2: Front Elevation
 - Sheet 2 of 2: Main Floor, Foundation/ Plumbing, Accessibility Detail and Typical Wall Section

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

Public Comments:

Nikki Mulholland, 25 North Moison Road, raised concerns regarding applicant not complying with site plan approval. She requested that the Board not hear the application until they clean up the site.

Lisa Marucci, 20 North Moison Road, noted that the site is not maintained and expansion of the site onto Moison Road is not acceptable. The project will create more traffic and noise to the area and requested a buffer be placed on the applicant's property. Ms Marucci noted that there was an outdoor kitchen on the site.

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Melanie Garvey, 16 North Moison Road, agreed with Marucci and Mulholland, noting that people coming from the applicant's site urinate and soil their and neighbor's properties. She requested that any violations be remedied prior to any new building permits be given to the applicant. Ms Garvey held the Baily's have become intrusive to the neighborhood.

Elizabeth Pandofelli, 66 North Moison Road, discussed traffic safety on Erie Street and Moison Road, noting that delivery trucks do not belong in a residential area.

Mike Marucci, 20 Moison Road, abutting neighbor to the rear of the lot, presented photographs of trees on his property. He held that Bailey's has been a bad neighbor and requested that the Board have the applicant create a vegetative buffer even if the current plans don't go through with the Board. Mr. Marucci also presented photographs of beer truck deliveries off of Moison Road.

Scott Sweeney, an area resident, requested details regarding the type of proposed buffer that the applicant would be placing along the property line.

Edward Olson, 12 North Moison Road, the first house next to the project site, raised concerns regarding noise from the site. He noted that it has been loud this past year and wanted to know if there will be a new dining area on the second floor of the second building.

Ethna Mullan, 17 North Moison Road, opposed the changes to the Baily's site plan. She discussed traffic safety issues in and around Erie and Moison Roads and the noise and smells coming from the project site.

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

The applicant requested a **CONTINUATION**.

April 13, 2016

Paul Bailey and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated April 6, 2016.

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2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated April 13, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated April 7, 2016.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated April 5, 2016.
5. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, P.E., dated March 31, 2016.
6. An interdepartmental memorandum from the Bureau of Fire Prevention, signed by Michael Bettmann, Chief Fire Inspector, dated March 21, 2016.
7. A letter signed by Melanie Garvey, dated April 11, 2016, with an attachment.
8. Sanitary Sewer Analysis prepared by Anthony Celentano, P.E., dated February 9, 2016.
9. Drainage Report prepared by Anthony Celentano, dated February 9, 2016.
10. A letter from Anthony Celentano, P.E., dated February 9, 2016.
11. A Site Plan prepared by Anthony Celentano, PLS, dated July 28, 2015.
12. A Short Environmental Assessment Form signed by Donald Brenner, dated March 10, 2016.

Public Comment:

Mike Marucci, 20 Moison Road, abutting neighbor to the rear of the lot, raised concerns regarding privacy of his property due to noise, lights, and sounds coming from the project site. He added that the applicant has used awnings to expand the kitchen area of the building. Mr. Marucci held that it was not unreasonable to request a 50 foot conservation easement on the applicant's property.

Lisa Marucci, 20 North Moison Road, requested that the addition should not be considered until the violations are cleared. Since the vegetative buffer has been removed, she cannot enjoy her backyard and patrons using the site cut through to North Moison Road. In addition, the rear enclosure was not included on the previous site plan presented to the Board, she is opposed to outdoor dining and that patrons use the neighborhood as outdoor bathrooms.

Nikki Mulholland, 25 North Moison Road, requested that a berm be extended to the north to prevent the cut through the project site and asked that a Landscaping plan be provided for public review prior to permit issuance and any construction to ensure the neighbors are protected. She submitted pictures of the buffer prior to its removal. Ms Mulholland held that awnings were put up to extend the kitchen area and requested that they be removed and the kitchen area be placed back into the building.

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Dava Bailey, 136 East Erie Street, in defense of her husband, she held that due to 2012 Super Storm Sandy, trees and tree limbs fell on the property and became a safety issue, and removal was not meant to upset the neighbors. At the same time frame, the neighbors stated that the vegetation was removed and the cut through was used by everyone here, also used to park cars. Mrs. Bailey stated that they placed cones and chains to prevent the cut through, however people removed the barriers.

The applicant requested a **CONTINUATION**.

June 22, 2016

Anthony Celentano, Harry Goldstein, Kathleen Sakal, Paul Bailey, and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated June 15, 2016.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated June 22, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 17, 2016.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated June 6, 2016.
5. A letter from Melanie Garvey, abutting neighbor, dated June 20, 2016
6. Site Plans prepared by Anthony Celentano, PLS, dated July 28, 2015, last revision date of April 27, 2016:
 - Sheet 1 of 2
 - Sheet 2 of 2
7. Architectural Plans prepared by Harry Goldstein, R.A., dated June 5, 2016:
 - Sheet 1: Front and Rear Elevations
 - Sheet 2: Left Elevation
 - Sheet 3: Main Floor, Foundation, Typical Wall Section

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

Public Comment:

Mike Marucci, 20 Moison Road, abutting neighbor to the rear of the lot, noted that the violation still remained outstanding and wanted the Permit number to be placed on the Site Plans. He stated that all the neighbors are concerned about the proposed outdoor dining area; the plans appeared to have 17 tables, which appeared excessive.

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Lisa Marucci, 20 North Moison Road, requested that the vegetative buffer should be planted before the application goes any further. She noted that a wood pile has been on the property for a while and should be removed. Ms Marucci requested that the handicap parking not be placed on Moison Road.

Melanie Kirshawl, 3 North Moison Road....expressed concerns regarding the location of the existing walk in freezer and requested that it be relocated. She questioned some notations on the site plan, noting "out of date".

Nikki Mulholland, 25 North Moison Road, requested that the Board not approve the site plan until the vegetative buffer be in place, that no outdoor dining be approved, and that the applicant present its permit for the outdoor smokers. She questioned the applicant's ability to have a refrigerator truck on site and was opposed to any type of outdoor dining on the site.

Edward Olson, 12, North Moison Road, raised concerns regarding noise from the patrons using the outdoor dining at the site. He also expressed concerns regarding the impact of the development on drainage to the neighborhood if the elevations of the site were changed

The applicant requested a CONTINUATION of the application to the July 13, 2016 Board meeting.

July 13, 2016

Anthony Celentano, Harry Goldstein, Kathleen Sakal, Paul Bailey, and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 6, 2016.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 13, 2016.
3. A letter from Melanie Garvey, abutting neighbor, dated July 13, 2016
4. Site Plans prepared by Anthony Celentano, PLS, dated July 28, 2015, last revision date of July 5, 2016:
 - Sheet 1 of 2
 - Sheet 2 of 2
5. Architectural Plans prepared by Harry Goldstein, R.A., dated June 5, 2016:
 - Sheet 1: Front and Rear Elevations
 - Sheet 2: Left Elevation
 - Sheet 3: Main Floor, Foundation, Typical Wall Section
6. Landscape Plan prepared by Land Design Studio, signed by Steve Griggs, ASLA, dated July 5, 2016.

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

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Public Comment:

Edward Olson, 12, North Moison Road, noted that the submitted plans are confusing, and questioned if the building is going to increase in height or is the footprint of the structure going to increase. He raised concerns that the surrounding area was residential and that the noise from the restaurant would increase. He asked the Board where else in Orangetown is there outdoor dining.

Mike Marucci, 20 Moison Road, abutting neighbor to the rear of the lot, read from a petition in opposition to the project and noted that a petition would be submitted to the Town in future. Mr. Marucci requested that there be no parking on Moison Road, requested that a berm be planted and that there be no outdoor dining at the site.

Lisa Marucci, 20 North Moison Road, had concerns that the site would remain as is with all the problems of garbage, violations, and no buffer if the Site Plan is granted by the Planning Board.

Nikki Mulholland, 25 North Moison Road, wanted to know where the refrigeration unit would be moved. She opposed the outdoor dining on the site, handicap parking and traffic on Moison Road and requested that Board not to approve the site plan until the vegetative buffer be in place

Sherri Fitzpatrick, 66 North Moison Road, expressed concerns regarding the proposal for outdoor dining at the site. She also opposed the proposed parking on the Moison side of the site plan, stating that there was not enough room for 2 cars on site selected for the handicap parking.

Melanie Kirshawl, 3 North Moison Road, expressed concerns regarding the construction of a handicap ramp on Moison Road. She held that once a public entrance to the restaurant is created on that side of the property, additional cars and people will start to park and use Moison Road as an entrance to the property.

The applicant requested a CONTINUATION.

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Anthony Celentano, Harry Goldstein, Kathleen Saral, Paul Bailey, and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 20, 2016.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 27, 2016.

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3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering, Town of Orangetown, signed by Bruce Peters, P.E., dated July 22, 2016.
4. Site Plan prepared by Anthony Celentano, PLS, dated July 28, 2015, last revision date of July 18, 2016.
5. Subdivision Plan prepared by Anthony Celentano, PLS, dated July 28, 2015, last revision date of July 18, 2016.
6. Architectural Plans prepared by Harry Goldstein, R.A., dated June 5, 2016:
Sheet 3: Main Floor, Foundation, Typical Wall Section
7. Landscape Plan prepared by Land Design Studio, signed by Steve Griggs, ASLA, dated July 5, 2016, Revised July 17, 2016.
8. A letter from Melanie Garvey, abutting neighbor, dated July 27, 2016

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

Public Comment:

Mike Marucci, 20 North Moison Road, abutting neighbor to the rear of the lot, was against parking of any type on Moison Road. He wanted the buffer on the property to be in place prior to other work on the site. Mr. Marucci was against the proposed outdoor dining.

Lisa Marucci, 20 North Moison Road, raised concerns regarding the placement of parking that accesses Moison Road. She wanted the buffer reinstated before any other work begins on the site.

Edward Olson, 12, North Moison Road, requested the Board that no commercial activity is granted for Moison Road since that road is a residential roadway. He requested information regarding the buffer, landscaping, lighting, and the height of the proposed structure.

Nikki Mulholland, 25 North Moison Road, requested information that related to items outlined on the DEME memo dated July 22, 2016 to the Planning Board. She was against placing the handicap parking spaces on the Moison Road side of the building, believing that other people will park their cars on Moison Road and use the handicap parking entrance to the building. Ms. Mulholland held that additional cars parking along Moison Road would create a conflict with existing resident's cars and school buses that use the roadway.

Melanie Kirshawl, 3 North Moison Road, expressed a concern that once the Planning Board renders the Preliminary Decision regarding the placement of handicap parking, is there any recourse or possibility to have the spaces relocated to an alternative location.

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

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Bruce Bond and seconded by William Young and carried as follows: Kevin Garvey, Chairman, recused; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye the Board declared itself Lead Agency.

Pursuant to New York Code, Rules & Regulations (NYCRR) Section 617.7, the Town of Orangetown Planning Board, as lead agency, for the reasons articulated in this Board's analysis of all of the submissions by the applicant, interested agencies, departments and the public, with respect to this project including the Environmental Assessment Form, which reasons are summarized in the motion, hereby determines that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, and having heard from the following offices, officials and/or 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 Highways, Rockland County Department of Health and having reviewed the drawings presented by Anthony Celentano, P.E., of the Subdivision, 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;

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- 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 Thomas Warren and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, recused; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, nay; Thomas Warren, aye and Stephen Sweeney, aye; the Board made a Negative Declaration pursuant to SEQRA.

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

1. The following note shall be placed on the 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. The existing walk in box is shown as "to be relocated" however the required minimum rear yard setback is 25 feet and 5.4 feet is proposed a variance needs to be sought from the Town of Orangetown Zoning Board of Appeals.
4. The proposed parking lot is shown as a gravel surface and pavement is required, therefore a Zoning Board of Appeals variance needs to be sought, Chapter 43, Section 6.36.
5. The landscape plan shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
6. The landscaping shown along the west property line of the proposed parking lot property shall be installed prior to the issuance of a Building Permit for any additional work on the property.
7. The proposed gravel parking area is not acceptable as it could allow for oils, grease, gasses; to both infiltrate into the ground and flow into the proposed detention basin. Having these contaminants infiltrate into the ground through the gravel and or pass through the detention system and on into the Sparkill Creek cannot be allowed. Therefore, the proposed parking area must be paved and the stormwater from this area directed into a designed stormwater system. Also, because runoff from this site eventually enters the Sparkill Creek, the applicant's engineer will demonstrate how any grease, oils, gasses, etc., from vehicles, equipment utilizing this parking lot shall be contained, treated, disposed of to ensure that they do not enter the Creek through any proposed stormwater drainage system.
8. The applicant's engineer shall obtain written acknowledgement and permission from the Rockland County Sewer District #1 to locate a portion of the proposed detention basin in the RCSD #1 sanitary sewer easement. Copies of correspondence relating to this issue shall be submitted to the Planning Board and DEME.
9. The page and liber for the Town of Orangetown sanitary sewer easement appears to be incorrect. The applicant's engineer shall confirm the page and liber.
10. The total amount/ area of disturbance shall include all work on all of the lots. However, the calculations shall use the rainfall intensities spell out in the 2015 NYS Stormwater Management Design Manual (i.e. 100yr storm – 9.2 inches for a 24 hr. storm.) Also, the drainage calculations shall include narrative summary, design methodology, existing and proposed sub-basin maps, etc.

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11. A SWPPP may be required depending on the new total of impervious area.
12. A more detailed plan of the proposed stormwater basin shall be added to the drawings. This shall include storage capacity at corresponding elevations, berm reinforcement, plantings, low flow channel/ piping, overflow spillway, maintenance and access points, etc. Also, the design calls for stormwater to enter the basin as sheet flow. This is highly problematic and may cause erosion of the basin banks. The applicant's engineer shall reexamine how the proposed stormwater is to enter the basin and design a system that is less likely to create future problems.
13. Elevations for the bottom of the proposed detention basin shall be given on the drawings.
14. The configuration of the proposed detention basin corners shall be "rounded", as 90 degree angles are hard to achieve and maintain in earthwork.
15. 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.
16. All proposed work shall be clearly labeled on the plan.
17. Soil Erosion and Sediment Control Plans and Details shall be submitted to DEME for review and approval.
18. The existing and proposed sanitary sewer house/ building connections, with connection detail shall be shown on the plan, including all inverts.
19. The proposed dumpster location appears to be isolated with no way of reaching it. Access to this dumpster shall be shown on the drawings.
20. The multiple lines that appear to cross over/ through the handicap parking area of Lot 70.14-4-5 and into lot #70.14-4-4 were previously labeled as contours and are now not labeled. What do these lines represent?
21. Outdoor ovens are shown on the current plan for Lot #70.14-4-6 but not on the previous submission. Was this approved? Does this require Rockland County Department of Health approval?

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- 22.** The existing macadam parking area that is outside of the new parking area; along the western property line of Lot 70.14-4-7, shall be labeled as "to be removed and top soiled and seeded."
- 23.** The applicant is advised that the Town of Orangetown has a new F.O.G. (Fat, Oil and Grease) program, which must be compiled. Due to the expansion of the restaurant, the applicant is required to upgrade their grease trap(s). The applicant shall contact the Town's F.O.G. Coordinator.
- 24.** The elevations of the referenced benchmark shall be given on the plan.
- 25.** A legend shall be added to the Site Plan.
- 26.** Typical details shall be included with the drawings, i.e. concrete curbing, catch basin, pavement, outlet structure, etc.
- 27. Drainage Review Recommendation:** The drainage information and proposed grading plan provided for this submission demonstrates that potential significant adverse impacts with respect to drainage can be mitigated and the Drainage Consultants recommends that the D.P. Bailey, LLC Site Plan and Subdivision Plan be approved for drainage subject to the following comments:

Project Description

This is the third drainage review report to the Planning Board for this site plan and subdivision application; the last review was dated April 5, 2016. The subdivision consists of merging tax lots 70.14-4-6 and 70.14-4-5, which are the two western lots that contain the two buildings on the site and a new front terrace. The Site Plan consists of a building addition to connect the two existing buildings on the property. Modifications of the parking lot are also indicated as part of the site plan. The parking lot is mostly a gravel surface, and runoff flows downhill in an easterly direction toward a swale along the west side of the Consolidated Rail Corps railroad along the east property line of the site. The swale is very flat, and the direction of water flow within this swale is not clear based on the survey. There is a berm along this property line that controls how runoff leaves the parking lot and enters the swale. Stormwater calculations have been provided and a detention facility has been added. For this submission, the existing gravel parking lot uses an assumed soil ground cover for existing conditions.

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Continuation of Condition #27...

Project Comments

1. As per the November 3, 2015 and April 5, 2016 reports, the existing drainage west of the east building (the restaurant building) flows east towards the east building; the building addition may create a damming effect that will result in ponding. More detail is needed of the grading in this area to demonstrate that the addition will not block surface runoff on the west side of the existing building from the natural flow pattern. Proposed contours shall be added at the northwest corner of this building to show that runoff will not be directed to the property to the north.
2. As per the November 3, 2015 and April 5, 2016 reports, the survey is incomplete in the rear of two story frame dwelling. Positive drainage away from the existing buildings and proposed addition shall be shown for this area. Top and bottom of wall elevations shall be added and proposed contours shall be provided that demonstrate positive drainage around the buildings that is not directed to the property to the north.
3. As per the November 3, 2015 and April 5, 2016 reports, proposed spot grades at the corners of the proposed terrace shall be added and positive drainage away from the terrace shall be demonstrated. Proposed ground cover in this area where parking is being removed shall be shown.
4. As per our April 5, 2016 report, the limit of land area disturbance has been added to the plan and is listed as 0.57 acres; however, this includes just the area of new gravel parking and stormwater management facility. Areas outside the location delineated as the "area of disturbance" include parking areas and other structures to be removed. A determination shall be made by DEME if these areas should be part of the area of disturbance and if a SWPPP is required.
5. The limit of new full height curb and drop curb along Erie Street shall be added to the plan.
6. The curve number of 74 for existing conditions off-site open space as per the curve number worksheet shall be used when calculating the composite curve number for this subarea in the hydrologic model.
7. A detail of the trash rack shall be added to demonstrate that the openings will prevent clogging of the four inch control orifice.
8. A maintenance schedule for the detention basin shall be added to the Site Plan.

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28. Rockland County Sewer District (District) had the following comments which are incorporated herein as conditions of approval:

- 1) The District owns and maintains sewers in two an easement on Tax Lot 70.14-4-7:
 - a) No permanent structures may be built within the District easements.
 - b) If any foundation work or other types of major excavation work is to be done within close proximity to the easement boundary, the District must be notified forty-eight (48) hours in advance. Shoring or other types of precautions may be needed to protect the sewer main. The property owner must also pay these expenses.
 - c) To prevent any damages from occurring to the existing main, the District must be notified when the land within the easement is to be modified. This includes but is not limited to regrading, raising or lowering of manhole frames, or working in close proximity to sewers and manholes within the easement.
 - d) The District office must approve any construction to be done with the District easements.
- 2) A contractor must obtain required insurance and sign a waiver to defend, indemnify, save and hold harmless both the County of Rockland and Rockland County Sewer District No. 1 from any claims arising from work performed with its easements.
- 3) The referenced project is located outside of Rockland County Sewer District No. 1 boundaries. If any building on this site connects to the District's sewer, then the terms and conditions for an out-of-District hookup will apply, and the District's "Commercial/ Non-residential Waste water Questionnaire" must be submitted to and approved by the District.
29. The Town of Orangetown Fire Prevention Bureau had the following comments regarding the Bailey's Restaurant Site Plan: These items shall be LOCATED in the building AND shall be noted on the Site Plan Drawings as "Notes".
 1. A new 5,000 square foot restaurant requires an NFPA 13 Compliant sprinkler System; Maintained as per NFPA 25.
 2. An NFPA 72 Compliant Fire Alarm System with an approved direct connection to Rockland 44-Control, with Amber & Red strobes as per Orangetown Code. Also, Carbon Monoxide detectors, connected to the Fire Alarm panel.
 3. A UP 300 compliant Hood suppression system, a Class 1 kitchen hood with make-up air.
 4. Portable Fire Extinguishers as per NFPA 10.
 5. Emergency Lighting as per NEC.
 6. The Bureau of Fire Prevention requires a floor usage plan and the business must apply for and maintain a Certificate of Compliance Fire Safety with the Bureau of Fire Prevention.
 7. All systems, Fire Sprinkler, Fire Alarm and Hood suppression must be engineered and submitted to the Bureau of Fire Prevention prior to beginning construction.

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30. Rockland County Department of Highways reviewed the submission and based upon the material provided, the Rockland County Highway Department found the proposed action will have no foreseeable adverse impact upon County Roads in the area. A Rockland County Work Permit will not be required for this development.

31. The Town of Orangetown Highway Department recommends that the applicant consider relocating the easterly end of the proposed addition so that it is a minimum of 10 feet from the south property line.

32. The Rockland County Department of Health (RCDOH), Environmental Health Program reviewed the submission provided the following comments:

- Application is to be made to the Rockland County Department of Health for review of the Stormwater Management system for compliance with the County Mosquito Code.

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

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

34. 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.

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

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

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37. 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 $\frac{3}{4}$ 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.

38. 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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39. 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.

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

41. 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).

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

43. 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

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

The foregoing Resolution was made and moved by Thomas Warren and seconded by William Young and carried as follows: Kevin Garvey, Chairman, recused; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, nay; Thomas Warren, aye and Stephen Sweeney, 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: July 27, 2016
Cheryl Coopersmith
Town of Orangetown Planning Board
Attachment



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TOWN OF ORANGETOWN

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

**PB #11-50: Bailey's Smoke House Site Plan
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

**Town of Orangetown Planning Board Decision
July 27, 2016**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

**NAME OF ACTION: Bailey's Smoke House Site Plan - Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

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

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 132 and 136 Erie Street, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.14, Block 4, Lots 5, 6 & 7 in the CS zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

John Giardiello, P.E., Director, Office of Building, Zoning and Planning
Administration and Enforcement

Town of Orangetown

20 Greenbush Road

Orangeburg, NY 10962

Telephone Number: 845-359-5100

For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent: - Commissioner, New York State Department of Environmental Conservation, - Region 3 Headquarters, NYSDEC, - Town Supervisor, Applicant, Involved Agencies

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