

**Meeting of February 10, 2016**  
**Town of Orangetown Planning Board**

**MEMBERS PRESENT:** Kevin Garvey, Chairman; Bruce Bond, Vice Chairman; Stephen Sweeney; Robert Dell and William Young (arrived at 7:38 p.m.)

**MEMBERS ABSENT:** Michael Mandel and Thomas Warren

**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

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

**Continued Item from November 9, 2015:**

**7 Welles Lane Site Plan**

**PB #15-53**

Pool Site Plan  
Critical Environmental Area  
258 South Boulevard Subdivision  
Prepreliminary/ Preliminary/ Final Site Plan  
and SEQRA Review/ 7 Welles Lane, Nyack  
66.17/1/25.2; R-40 zoning district

**Final Site Plan  
Approval Subject  
to Conditions  
Neg. Dec.**

**New Items:**

**Merritt Subdivision Plan**

**PB #16-08**

Request for Two 90 Day Extensions  
to File the Subdivision Plat with the  
Rockland County Clerk's Office  
390 Ehrhardt Road and  
17 Merritt Drive, Pearl River  
64.18/1/78.1 and 78.3; R-15 zoning district

**Granted Two  
90 Day Extensions  
to File the Subdivision  
Plat with the Rockland  
County Clerk's Office**

**Hayes Minor Subdivision Plan**

**PB #16-09**

Prepreliminary/ Preliminary/  
Final Subdivision Plan  
and SEQRA Review  
624 Western Highway, Blauvelt  
70.09/3/40 & 41.2; R-15 zoning district

**Final Subdivision  
Approval Subject  
to Conditions  
Neg. Dec.**

**Sambrotto Minor Subdivision Plan**

**PB #16-10**

Final Subdivision Plan Review  
34 Clausland Mountain Road, Blauvelt  
70.15/2/11; R-40 zoning district

**Final Subdivision  
Approval Subject  
to Conditions**

**Yonder Hill Internal Commercial  
Subdivision Plan**

**PB #16-07**

Palisades Historic District  
Prepreliminary/ Preliminary/  
Final and SEQRA Review  
Internal Subdivision of Commercial Space  
1 Closter Road, Palisades  
78.18/1/52; R-40 zoning district

**POSTPONED**

TOWN CLERK'S OFFICE  
MAR 24 10 10 AM '16  
TOWN OF ORANGETOWN

**February 10, 2016**  
**Planning Board Meeting**

**OTHER BUSINESS:**

- The Planning Board reviewed and approved Maser Consulting's 2016 fee increase. Maser is the Planning Board's alternate Drainage Consultant.

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 Stephen Sweeney and seconded by Bruce Bond, Vice Chairman, and agreed to by all in attendance. The meeting was adjourned at 8:00 p.m.

**DATED: February 10, 2016**  
**Cheryl Coopersmith**  
**Chief Clerk Boards and Commissions**



TOWN CLERKS OFFICE  
2016 MAR 24 AM 10 04  
TOWN OF ORANGE TOWN

**PB #15-53: 7 Welles Lane Site Plan- Pool Site Plan  
258 South Boulevard Subdivision – Lot #25.2 – Final Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
February 10, 2016  
Page 1 of 10**

TO: Josko Lucin, 37-19 56<sup>th</sup> Street, Woodside, New York  
FROM: Orangetown Planning Board

RE: 7 Welles Lane Site Plan – Pool Plan: The application of Josko Lucin, owner, for Preliminary/ Preliminary/ Final Site Plan Review, at a site in the Critical Environmental Area, to be known as “**7 Welles Lane Site Plan – Pool Site Plan**”, and as lot 25.2 in the 258 South Boulevard Subdivision, 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 Welles Lane, Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 66.17, Block 1, Lot 25.2 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Monday, November 9, 2015 and February 10, 2016**, at which time the Board made the following determinations:

**November 9, 2015**

Andrew Barry and Josko Lucin appeared and testified.

The Board received the following communications:

1. A Project Review 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. Letters from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated November 9, 2015 and December 6, 2016.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated November 6, 2015.
6. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated November 6, 2015.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 21, 2015.
8. A letter from the Rockland County Sewer District, signed by Joseph LaFiandra, Engineer II, dated October 20, 2015.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated October 7, 2015.
10. An email from Rosemarie Monaco and Bill Hines dated November 4, 2015.
11. A Short Environmental Assessment Form signed by Paul Gdanski, dated October 5, 2015.

TOWN CLERK'S OFFICE  
2016 MAR 24 PM 10 04  
TOWN OF ORANGETOWN

**PB #15-53: 7 Welles Lane Site Plan- Pool Site Plan  
258 South Boulevard Subdivision – Lot #25.2 – Final Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
February 10, 2016  
Page 2 of 10**

12. Site Plan prepared by Gdanski Consultants, Inc., dated September 22, 2015.
13. Copy of Building Permit Referral, dated July 21, 2015.

The Board reviewed the plan.

**Public Comment:**

Bill Hines, 15 Shadyside Avenue, Upper Grandview, noted that the project is steep and raised concerns regarding drainage.

The applicant requested a **CONTINUATION**.

**February 10, 2016**

Robert Ball, Paul Gdanski and Josko Lucin appeared and testified.

The Board received the following communications:

1. A Project Review Report dated February 3, 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 February 10, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated February 4, 2016.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated February 9, 2016.
5. Site Plan prepared by Gdanski Consultants, Inc., dated September 22, 2015, last revision date of January 23, 2016.

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

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

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 OF ORANGETOWN  
PLANNING BOARD  
FEB 10 2016

**PB #15-53: 7 Welles Lane Site Plan- Pool Site Plan  
258 South Boulevard Subdivision – Lot #25.2 – Final Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
February 10, 2016  
Page 3 of 10**

On motion by Bruce Bond, Vice Chairman, and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; William Young, absent; Robert Dell, aye; Stephen Sweeney, aye; Michael Mandel, absent and Thomas Warren, absent; 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 by Paul Gdanski, P.E., 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 Sewer District #1, and having reviewed a Plan by prepared by Paul Gdanski, 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;

TOWN OF ORANGETOWN  
PLANNING BOARD  
FEB 10 2016  
TOWN CLERK'S OFFICE

**PB #15-53: 7 Welles Lane Site Plan- Pool Site Plan  
258 South Boulevard Subdivision – Lot #25.2 – Final Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
February 10, 2016  
Page 4 of 10**

- 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, Vice Chairman and seconded by Stephen Sweeney, and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Robert Dell, aye; Thomas Warren, absent; William Young, absent; Michael Mandel, absent, 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 applicant 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: "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" .

TOWN OF ORANGETOWN  
PLANNING BOARD  
2016 MAR 24 PM 10 04  
TOWN OF ORANGETOWN

**PB #15-53: 7 Welles Lane Site Plan- Pool Site Plan  
258 South Boulevard Subdivision – Lot #25.2 – Final Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
February 10, 2016  
Page 5 of 10**

3. The pedestrian access path to the pool shall be shown on the plan
4. A separate pool construction plan shall be submitted as part of the Building Permit Application.
5. The Short Environmental Assessment appears to be in order.
6. The following language shall be added to Note #24: "Once the Crossing Machinery has been determined, the final steel plate design shall be submitted to the Town of Orangetown Department of Environmental Management and Engineering (DEME) for review and approval. NO CONSTRUCTION on the pool shall begin until the final crossing details and plate design have been reviewed and approved by the DEME. The applicant shall contact the Town of Orangetown's Sewer Inspector to coordinate the crossing of the sewer easement and construction of the pool."
7. The existing grading around the manhole near the northeast corner of the home, as shown on the drawing with a last revision date of January 23, 2016, does not reflect the current existing grade as it is in the field. The existing grading (contours lines) shall be revised to show the grading as it is presently around the existing manhole. In addition to this, the "existing" grading along the north and south sides of the house only exist because of fill placed there without approval or permission. For example, the approved plan for the site (dated December 17, 2013) shows the grading range along the south side of the house running from elevation  $\pm 307$  at the south east corner of the house, to elevation  $\pm 316$  at the southwest corner of the house. The current "existing" grading due to unapproved filling of the area, shows the existing grading to be  $\pm 312$  at the southeast corner of the house to elevation  $\pm 319.49$  at the southwest corner of the house. Therefore, the drawings shall indicate the total amount of fill proposed around the house in feet, from the approved elevations as per approved map of December 17, 2013 to the current proposed elevations, so the Planning Board has a clear indication of exactly how many extra feet of fill are being added around the house.
8. The applicant's engineer shall provide a "blow up" (larger scale) drawing of the area between the road and the existing retaining wall east of the proposed construction area. This shall be done to allow easier review of all other proposed construction and regrading.
9. DEME will allow the raising of the manhole to a maximum elevation of 306 and regrading of the existing easement to a maximum of 3 feet of fill, as measured from the previously approved site plan of December 17, 2013 with the following conditions:

TOWN OF ORANGETOWN

2016 MAR 24 PM 10 04

TOWN OF ORANGETOWN

**PB #15-53: 7 Welles Lane Site Plan- Pool Site Plan  
258 South Boulevard Subdivision – Lot #25.2 – Final Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
February 10, 2016  
Page 6 of 10**

**Continuation of Condition #9...**

- a. A note shall be added to the plans stating the following: "The existing sanitary sewer main, which currently runs through the property, shall be televised, from the existing manhole to be raised, to the first manhole south (in lot #66.17-1-25.3). This line shall be televised twice. It shall be televised immediately, prior to any more construction to ensure that no damage has occurred due to the improper placement of fill over said main. It shall be televised upon completion of all the improvements (pool installation, drywell installation, retaining wall installation, regrading, etc.) to ensure that no damage is done to the line due to the proposed construction. The applicant shall submit the name of the company which intends to perform the televising of the line to the Town of Orangetown Department of Environmental Management and Engineering's approval.
- b. The applicant or their representative shall coordinate the "tving" of the sanitary sewer main with the Town of Orangetown Sewer Department/Inspector, so that the Department/Inspector can witness the televising.

**10.** The top of the proposed drywells are 11 feet lower than the finished elevation of the pool. The regrading around the pool, outside the area of the proposed retaining walls, is quite steep. The applicant's engineer shall demonstrate on the drawings and in the drainage calculations, how the drywells are to be inspected and maintained once construction has been completed.

**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.** Due to the existing slopes, the proposed construction entrance shall be extended to go from the existing road to the steel plate easement crossing.

**13.** The hay bale/ silt fence detail shall be revised to show the hay bales on the "downhill" (behind) side of the proposed silt fence.

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

TOWN CLERK'S OFFICE

2016 MAR 24 PM 10 04

TOWN OF ORANGETOWN



**PB #15-53: 7 Welles Lane Site Plan- Pool Site Plan  
258 South Boulevard Subdivision – Lot #25.2 – Final Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
February 10, 2016  
Page 7 of 10**

**15.** The Drainage Consultant to the Planning Board, Brooker Engineering, held that the application sufficiently mitigates potential significant adverse impacts with respect to drainage and previous drainage comments have been addressed and therefore recommends that the 7 Welles Lane Pool Site Plan be approved for drainage subject to No Conditions.

This is the third drainage review report to the Planning Board for this project; the last report was dated December 6, 2015. The Drainage Consultant previously approved the site plan for the house for drainage in its November 20, 2013 drainage review report. They then previously approved the Site Plan with the pool for drainage in its December 6, 2015 drainage review report. The property is on the east side of Welles Lane and slopes downhill to the east. The area of the proposed pool footprint is a grassy area with a moderate slope. There is a small stone retaining wall that runs in a north/south direction along the approximate center of the property; the land east (downhill) of this wall is heavily vegetated and no disturbance is proposed in this area. Stormwater runoff from the Welles Lane drainage system is discharged along the southern property line and flows east via a riprap swale and level spreader.

The current application shows a new pool. Three drywells are proposed to intercept rooftop runoff and provide post construction stormwater detention for the original house site plan and two additional drywells are proposed for the pool area. Drainage calculations and a grading plan have been provided for this submission; the drainage pattern will be maintained and overflows from the drywell are discharged to the swale and riprap pad along the southern property line. The Consultant notes *that no patios, walks or other impervious features supplemental to the house and pool are indicated on the plan. If these features are added in the future, additional drainage review will be required.*

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

- 1) Prior to the start of construction or grading, a Soil Erosion and Sediment Control Plan shall be developed and in place for the entire site that meets the NYS Guidelines for Urban Erosion and Sediment Control.
- 2) There shall be no net increase in storm water runoff from the site.
- 3) A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Code) of the Rockland County Sanitary Code.

TOWN CLERKS OFFICE

2016 MAR 24 PM 10 04

TOWN OF ORANGETOWN

**PB #15-53: 7 Welles Lane Site Plan- Pool Site Plan  
258 South Boulevard Subdivision – Lot #25.2 – Final Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
February 10, 2016  
Page 8 of 10**

17. 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.

18. Based upon the plans and information received, the Rockland County Department of Highways found that the proposed action would not have adverse effect on the adjacent county highways. A Rockland County Work Permit will not be required for this development.

19. 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.

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

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

21. 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.

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

23. 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.

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
  - One (1) foot radius from trunk per inch DBH
  - Drip line of the Tree Canopy.

TOWN CLERK'S OFFICE

2016 MAR 24 PM 10 04

TOWN OF ORANGETOWN

**PB #15-53: 7 Welles Lane Site Plan- Pool Site Plan  
258 South Boulevard Subdivision – Lot #25.2 – Final Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
February 10, 2016  
Page 9 of 10**

**Continuation of Condition #24....**

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.

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

**26.** 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.

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

**28.** 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

TOWN CLERKS OFFICE

2016 MAR 24 AM 10 04

TOWN OF ORANGETOWN

**PB #15-53: 7 Welles Lane Site Plan- Pool Site Plan  
258 South Boulevard Subdivision – Lot #25.2 – Final Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
February 10, 2016  
Page 10 of 10**

**Continuation of Condition #28....**

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).

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

**30.** 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

**31.** 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 Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, absent; Robert Dell, aye; Thomas Warren, absent and Stephen Sweeney, absent.

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

**Dated: February 10, 2016**  
**Town of Orangetown Planning Board**  
attachment



TOWN CLERKS OFFICE  
2016 MAR 24 PM 10 04  
TOWN OF ORANGETOWN



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

**PB #15-53: 7 Welles Lane Site Plan- Pool Site Plan  
258 South Boulevard Subdivision – Lot #25.2 – Final Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
February 10, 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 Welles Lane Site Plan – Pool Site Plan  
Final Site Plan Approval Subject to Conditions –**

**SEQR STATUS:** Type I \_\_\_\_\_  
Unlisted XXXXXX

**CONDITIONED NEGATIVE DECLARATION:** Yes \_\_\_\_\_  
No XXXXXX

**DESCRIPTION OF ACTION:** Pool Site Plan Review – Critical Environmental Area

**LOCATION:** The site is located at 7 Welles Lane in the Critical Environmental Area, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 66.17, Block 1, Lot 25.2 in the R-22 zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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#16-08: Merritt Homes Subdivision – Granted Two 90 Day Extensions (180 Days) to File the Subdivision with the Rockland County Clerk's Office**

**Town of Orangetown Planning Board Decision**  
**February 10, 2016**  
**Page 1 of 1**

TO: Edward Merritt, 9 Merritt Drive, Nanuet, New York 10954  
FROM: Town of Orangetown Planning Board

RE: Merritt Subdivision Plan: The application of Thomas Ryan, applicant, for Edward Merritt, owner, for Two 90 Day Extensions to File the Subdivision Plan with Rockland County Clerk's Office at a site to be known as "Merritt Subdivision Plan", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 390 Ehrhardt Road and 17 Merritt Drive, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 64.18, Block 1, Lot 78.1 and Section 64.18, Block 1, Lot 78.3, R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, February 10, 2016**, at which time the Board made the following determinations:

Thomas Ryan appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated February 3, 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 February 10, 2016.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated February 3, 2016.
4. A copy of PB #15-38, Final Subdivision Plan Approval Subject to Conditions, dated July 22, 2015.

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

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

**DECISION:** In view of the foregoing, the Board **GRANTED Two 90 Day Extensions to File the Subdivision Plan with the Rockland County Clerk's Office.**

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

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: February 10, 2016**  
**Town of Orangetown Planning Board**

*Cheryl Cooper*  
TOWN CLERK'S OFFICE  
2016 MAR 24 PM 10 05  
TOWN OF ORANGETOWN

**PB #16-08: Hayes Minor Subdivision; Final Subdivision Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
February 10, 2016  
Page 1 of 8**

TO: William Hayes, 624 Western Highway, Blauvelt, New York 10913  
FROM: Orangetown Planning Board

RE: Hayes Minor Subdivision Plan (Lot Merger): The application of William Hayes, Jr., applicant, for William Hayes Jr. and Susan Hayes, owners, for Prepreliminary/ Preliminary/ Final Subdivision Plan Review at a site to be known as "**Hayes Minor Subdivision Plan**" in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 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 624 Western Highway, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.09, Block 3, Lots 40 & 41.2 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, February 10, 2016**, the Board made the following determinations:

William Hayes appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated February 3, 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 February 10, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., February 3, 2016.
4. Letters from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated February 8 and 10, 2016.
5. Letters from Rockland County Department of Planning, from Douglas Schuetz, Action Commissioner of Planning, dated January 25, 2016 and Arlene Miller, Deputy Commissioner.
6. A letter from Rockland County Department of Highway, signed by Sonny Lin, P.E., dated February 8, 2016.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated January 28, 2016.
8. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated January 11, 2016.

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TOWN OF ORANGETOWN

**PB #16-08: Hayes Minor Subdivision; Final Subdivision Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
February 10, 2016  
Page 2 of 8**

9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated January 6, 2016.
10. Subdivision Plan prepared by Anthony Celetano, PLS, dated October 27, 2015.
11. A Short Environmental Assessment Form signed by William Hayes, Jr., dated January 4, 2015.

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

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

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

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, Vice Chairman, and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; William Young, aye; Robert Dell, aye; Thomas Warren, absent; Stephen Sweeney, aye; and Michael Mandel, absent; 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 Anthony Celetano, PLS and having heard from the following offices, officials



**PB #16-08: Hayes Minor Subdivision; Final Subdivision Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
February 10, 2016  
Page 3 of 8**

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 Department of Planning, Rockland County Sewer District No.1, Rockland County Department of Highways, and having reviewed a proposed Subdivision plan by prepared by 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;
- 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, Vice Chairman, and seconded by Stephen Sweeney, and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, absent; William Young, aye; Robert Dell, aye; Thomas Warren, absent; and Stephen Sweeney, aye; the Board made a Negative Declaration pursuant to SEQRA.

TOWN OF ORANGETOWN  
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TOWN CLERK'S OFFICE

**PB #16-08: Hayes Minor Subdivision; Final Subdivision Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
February 10, 2016  
Page 4 of 8**

**DECISION:** In view of the foregoing and the testimony before the Board, the application was **GRANTED A FINAL APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The following note shall be placed on the Subdivision plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The Subdivision, Site and Landscaping Plans shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review at the time it is proposed for a specific dwelling plan, under Site Plan Review.
4. A "lot merger plan" shall be submitted for filing with the Rockland County Clerk's Office. The Subdivision plan shall not have the proposed addition on it. The plan shall be to the satisfaction of the Town of Orangetown Office of Building, Zoning, Planning Administration and Enforcement.
5. The merging of the two lots shall show cross easements for the existing access driveways.
6. The Short Environmental Assessment Form appears to be in order.
7. The entire existing driveway over lots 70.09-3-39 and 40 shall be shown on the Subdivision Plan.
8. All existing ingress/ egress easements, covering lots 70.09-3-39 & 40 shall be given on the plan, including ownership and page & liber/ instrument number. If no cross easements exist, which allow ingress by both lots, then easements shall be created and given to the Town of Orangetown Town Attorney's Office for review and approval in content and form.
9. The applicant shall supply documentation to the Town of Orangetown Planning Board and Town Attorney's Office indication whether any of the properties to the west of this subdivision have any ingress/ egress rights over this driveway.

TOWN CLERK'S OFFICE

2016 MAR 24 PM 10 05

TOWN OF ORANGETOWN

**PB #16-08: Hayes Minor Subdivision; Final Subdivision Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
February 10, 2016  
Page 5 of 8**

**10.** The location of the existing sanitary house connection for lot 70.09-3-41.2 shall be shown on the plan, including the sanitary main it “ties into”.

**11.** Iron pins shall be drawn and labeled at all lot corners.

**12.** The Drainage Consultant to the Planning Board, Brooker Engineering, held that the applicant has demonstrated that the project will not result in potential significant adverse impacts with respect to drainage that require mitigation and therefore recommends that the Hayes Minor Subdivision be approved for drainage subject to the following conditions:

This is the second drainage review report for this project; the last review was dated February 8, 2016. The project is for a minor subdivision to disclaim an existing tax lot line and merge two lots to one lot. There is an existing residential structure on the property and a shared driveway that runs along almost the entire northern property line of the parcel. There is a 24’ by 27’ (approximately 620 square feet footprint) one story addition proposed in the rear of the residence. Stormwater runoff flows down the driveway in a westerly direction to the neighboring residences to the west (tax lot 70.09-3-41.1) and northwest.

**Review of Additional Information**

The applicant provided a revised survey that showed the proposed increase in impervious surface was 364 SF, which is less than the 400 SF threshold typically used to determine if potential significant adverse impacts with respect to drainage require mitigation. No grading or drainage information has been added to the plan.

**Project Comments**

1. While the proposed increase in impervious area is less than 400 square feet, the Drainage Consultant recommends the drainage from the new structure not be directly connected from the existing driveway. The driveway results in sheet flow runoff directed to the downhill neighboring properties and stormwater runoff in this direction should not be increased. A map note shall be added that requires roof leader downspouts to be directed to the grassy area south of the addition and away from the driveway and property lines.
2. Any proposed addition would be subject to a standard review required for a building permit, which may require that a grading and drainage plan be prepared.

TOWN CLERKS OFFICE

2016 MAR 24 PM 10 05

TOWN OF ORANGETOWN

**PB #16-08: Hayes Minor Subdivision; Final Subdivision Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
February 10, 2016  
Page 6 of 8**

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

1. As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland county Drainage Agency before the County Clerk can accept the plan to be filed.

2. A review must be completed by the County of Rockland Department of Highways and any required permits obtained.

3. A review must be done by the Rockland County Department of Health (RCDOH), to ensure compliance with Article XIX (Mosquito Control) of the Rockland county Sanitary Code.

**14.** The Rockland County Department of Highways reviewed the plans and found that the subdivision as shown will have no foreseeable adverse impact upon County Highway in the area. The subject site is next to Western Highway, a county road. A Rockland County Highway Department Work Permit must be obtained before any construction on site.

**15.** There are no Rockland County Department of Health (RCDOH) approvals needed for this application.

**16.** 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.

**17.** 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 Health Department
- Town of Orangetown Zoning Board of Appeals
- Rockland County Department of Highways
- Rockland County Department of Planning

**18.** The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plans and Board Decision prior to signing the final plans.

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

TOWN OF ORANGETOWN  
2016 MAR 24 AM 10 05  
TOWN CLERKS OFFICE

**PB #16-08: Hayes Minor Subdivision; Final Subdivision Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
February 10, 2016  
Page 7 of 8**

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

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

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

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

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

TOWN OF ORANGETOWN  
PLANNING BOARD  
FEB 10 2016  
TOWN CLERK'S OFFICE

**PB #16-08: Hayes Minor Subdivision; Final Subdivision Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
February 10, 2016  
Page 8 of 8**

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

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

25. If the applicant, during the course of construction, 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).

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

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

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

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

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

**Dated: February 10, 2016  
Town of Orangetown Planning Board**  
attachment



TOWN CLERKS OFFICE

2016 MAR 24 AM 10 05

TOWN OF ORANGETOWN



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

**PB #16-08: Hayes Minor Subdivision; Final Subdivision Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
February 10, 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: Hayes Jr. Site Plan**

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

**DESCRIPTION OF ACTION: Final Subdivision Plan Subject to Conditions/  
Neg. Dec.**

**LOCATION:** The site is located at 624 Western Highway, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.09, Block 3, Lot 40 and 41.2 in the R-15 zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

The project will not have a significant impact upon the environment and a DEIS need not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels or existing external traffic patterns. In addition, it will have no impact upon the aesthetic, agricultural or cultural resources of the neighborhood. No vegetation, fauna or wildlife species will be affected as a result of this proposed 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 MAR 24 PM 10 05

TOWN OF ORANGETOWN

**PB#16-09: Sambrotto Minor Subdivision Plan: Final Subdivision Plan  
Approval Subject to Conditions**

**Town of Orangetown Planning Board  
February 10, 2016  
Page 1 of 9**

**TO: Raymond Sambrotto, 34 Clausland Mountain Road, Blauvelt,  
New York 10913**

**FROM: Orangetown Planning Board**

**RE: Sambrotto Minor Subdivision Plan: The application Raymond Sambrotto, owner, (David Hannigan, attorney for the applicant), for Final Plan Review, at a site to be known as “Sambrotto Minor Subdivision Plan”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located 34 Clausland Mountain Road, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.15, Block 2, Lot 11 in the R-40 zoning district.**

**Heard by the Planning Board of the Town of Orangetown at a meeting held  
Wednesday, February 10, 2016, the Board made the following determinations:**

**Jay Greenwell appeared and testified.**

**The Board received the following communications:**

- 1. Project Review Committee Report dated February 3, 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 February 10, 2016.**
- 3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., February 4, 2016.**
- 4. A letter from Brooker Engineering, signed by Kenneth DeGennero, dated February 9, 2016.**
- 5. A letter from Rockland County Department of Planning, signed by Douglas J. Schuetz, Acting Commissioner of Planning, dated January 27, 2016, with an attachment of a letter from Rockland County Department of Highways dated February 18, 2015.**
- 6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., February 8, 2016.**
- 7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated January 14, 2016.**
- 8. Drainage Calculations prepared by Edward A. Maikish, P.E., dated December 28, 2016.**

TOWN CLERK'S OFFICE  
2016 MAR 24 PM 10 05  
TOWN OF ORANGETOWN



**PB#16-09: Sambrotto Minor Subdivision Plan: Final Subdivision Plan  
Approval Subject to Conditions**

**Town of Orangetown Planning Board  
February 10, 2016  
Page 2 of 9**

9. Plans prepared by Robert E. Sorace, PLS and Jay Greenwell, PLS, dated September 12, 2014, last revision date of December 30, 2016:

- Sheet 1: Subdivision of Property
- Sheet 2: Grading, Drainage & Utility Plan
- Sheet 3: Details
- Sheet 4: Cultec 150XLHD Details, dated December 30, 2016

10. Copies of the following Board Decisions: ACABOR #16-09, Approved, dated February 4, 2016; ZBA #15-11, Approved, dated February 18, 2015 and PB #13-29, Preliminary Subdivision Approval Subject to Conditions, dated December 10, 2014.

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

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

**DECISION: In view of the foregoing and the testimony before the Board, the applicant was granted a FINAL 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: "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 revised drainage calculations are under review by DEME. However, the calculations shall be revised to use the current design storm runoff values, i.e. 100 yr., 24 hour+9.2 in not 7.5 in).

TOWN OF ORANGETOWN  
2016 MAR 24 PM 10 05  
TOWN CLERK'S OFFICE

**PB#16-09: Sambrotto Minor Subdivision Plan: Final Subdivision Plan  
Approval Subject to Conditions**

**Town of Orangetown Planning Board  
February 10, 2016  
Page 3 of 9**

4. A Post construction stormwater maintenance agreement in accordance with NYSDEC Phase II regulations and Town of Orangetown Town Code for the proposed stormwater systems shall be submitted to DEME and the Town Attorney's Office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list that is consistent with the manufactures recommendations, contact person with telephone number, yearly report to be submitted to DEME, etc.
5. Inspection ports, as shown on the details for the underground cultic stormfilter systems, shall be shown on Drawing #2.
6. The elevation of the proposed 4 inch orifice discharge ports shall be given on the plan and shown on the cultec details. Also, the elevations of certain storms (i.e. 1, 10, 25 & 100) yr. storms) shall be given on the cultec stormfilter details.
7. The regrading for contour 222 behind the proposed house to the north is missing. This shall be corrected on the grading plan. Also, the regrading on the east side of the proposed driveway appears to be incomplete. This shall be corrected.
8. A metes and bounds description for the proposed road widening to be dedicated to the County of Rockland shall be submitted to Rockland County for review and approval.
9. A Performance Bond will be required for this subdivision.
10. The Drainage Consultant to the Planning Board reviewed the application and found that the Sambrotto Subdivision shows potential significant adverse impacts with respect to drainage can be mitigated and therefore recommends that the Sambrotto Subdivision be approved for drainage subject to the following Project Comments:

This is the third drainage review report to the Planning Board for this project; the last review report was dated December 09, 2014. The property is located on the north side of Clausland Mountain Road, approximately 400 feet east of Greenbush Road. The land contains steep slopes that slope downhill towards Clausland Mountain Road. There is an existing dwelling to remain on the west lot; the proposed building is on the east lot. The building is heavily wooded with a 10' by 15' cabin proposed to be removed.

TOWN CLERKS OFFICE  
2016 MAR 24 PM 10 05  
TOWN OF ORANGETOWN

**PB#16-09: Sambrotto Minor Subdivision Plan: Final Subdivision Plan  
Approval Subject to Conditions**

**Town of Orangetown Planning Board  
February 10, 2016  
Page 4 of 9**

**Continuation of Condition #10...**

More detailed design for a theoretical house and driveway has been provided for this submission. The project assumes 4,900 square feet of new impervious area. Test pits and percolation tests have been performed at the location of the proposed detention systems. Two underground culvert storage systems are proposed (new for this submission) to mitigate against increases in stormwater runoff. The revised detention system includes a low flow opening and an underdrain to act as an orifice. Overflows are directed to Clausland Mountain Road via a riprap swale.

**Project Comments**

1. As per the December 9, 2014 drainage review letter, a hydrologic analysis shall be performed demonstrating the runoff down the hillside toward the back of the house can be conveyed around the house. A detail for the swale shall be added. The swale shall be directed around the retaining wall adjacent to garage and not over the wall.
2. As per the December 9, 2014 drainage review letter, a detail of the gutterline channel along Clausland Mountain Road between the existing driveway culvert uphill of the new driveway and under the new driveway shall be provided. Flared end sections for the pipe shall be provided to prevent erosion and clogging at the inlet and outlet.
3. As per the December 9, 2014 drainage review letter, dimension the location of the trench drains along the driveway for ease of inspection during construction to ensure that they are constructed in a manner consistent with the calculations contained in the drainage report.
4. As per the December 9, 2014 drainage review letter, volume of voids in the stone beneath the drywell invert shall not be included in the drywell storage calculations.
5. The revised drainage calculations use the entire site drainage area to calculate the existing conditions peak discharge but only the area diverted to the detention system for proposed conditions. This underestimates the existing conditions peak flows that cannot be increased for developed conditions; the drainage report shall be corrected to use a consistent drainage area.

TOWN CLERK'S OFFICE  
2016 MAR 24 AM 10 05  
TOWN OF ORANGETOWN

**PB#16-09: Sambrotto Minor Subdivision Plan: Final Subdivision Plan  
Approval Subject to Conditions**

**Town of Orangetown Planning Board  
February 10, 2016  
Page 5 of 9**

**Continuation of Condition #10...**

6. The drainage calculations assume the detention system is full and the four inch pipe is flowing full. Since the drainage area diverted to the detention basin is small, it is unlikely the pipe will be flowing full. The inflow to the system is unlikely to fill the four inch diameter pipe; therefore the routing will not likely be effectively controlled by using a four inch outflow orifice. Routing calculations using a stage versus discharge curve and stage versus storage curve shall be utilized to quantify the actual stormwater routing.
  7. The revised drainage report uses a routing to perform the stormwater mitigation. If a routing is to be used, then the 1-year, 2-year, 10-year, and 25-year 24-hour storms shall be analyzed.
  8. Supporting data shall be included in the drainage calculations including subarea maps, time of concentration locations, and ground cover breakdowns.
11. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
- An updated review shall be completed by the County of Rockland Department of Highways and all required permits obtained. The conditions of the February 18, 2015 letter must be addressed.
  - 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 same for filing.
  - An updated review must be completed by the County of Rockland Department of Health. The conditions in their January 25, 2015 letter must be met.
  - Map Note #36 indicates that the existing well is to remain for irrigation purposes only. If the existing well is to be decommissioned in the future, then the Rockland County Department of Health must be notified of the intent to decommission the well prior to its removal so that they can monitor the process to ensure that it is done in compliance with specification of Article II of the Rockland County Sanitary Code.
  - 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.

TOWN CLERKS OFFICE  
2016 MAR 24 AM 10 05  
TOWN OF ORANGETOWN

**PB#16-09: Sambrotto Minor Subdivision Plan: Final Subdivision Plan  
Approval Subject to Conditions**

**Town of Orangetown Planning Board  
February 10, 2016  
Page 6 of 9**

**12.** The Rockland County Department of Highways reviewed the plans and offered the following remarks for consideration:

- Based on the plans and information provided, the proposed action is acceptable to achieve zero net increase in storm water runoff.
- The 4.375' wide strip on Clausland Mountain Road shall be gratuitously dedicated to the County of Rockland. A signed plat showing the proposed strip with acceptable language shall be provided for the deed by the Rockland County Highway together with an acceptable title policy ready to be filed at the Rockland County Clerk's Office.
- A Rockland County Highway Department Work Permit will be required from any proposed work prior to any construction on the site.
- A separate Road Opening Permit will be required from Rockland County Highway Department for any utility construction that would disrupt any adjacent County Roads.

**13.** Rockland County Health Department reviewed the plans and provided the following comments:

- Application for Sanitary Sewer Extension approval is to be made to the Rockland County Health Department, Environmental Health Program.
- An approved backflow prevention device is to be installed at the existing dwelling for the continued use of the well.
- 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.

**14.** 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. However, the RCDA has concerns with respect to the potential impacts from the proposed project to the Sparkill Creek, a County regulated stream, and affected floodplains. Therefore, the RCDA requests that the RCDA request that the Town carefully review the proposal and ensure that it will not result an increase in the rate of stormwater runoff from the site. In addition, the Rockland County Stream Control Act, Chapter 846, requires that all subdivision maps must be signed by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.

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

TOWN CLERK'S OFFICE  
2016 MAR 24 PM 10 05  
TOWN OF ORANGETOWN

**PB#16-09: Sambrotto Minor Subdivision Plan: Final Subdivision Plan  
Approval Subject to Conditions**

**Town of Orangetown Planning Board  
February 10, 2016  
Page 7 of 9**

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

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

**18.** 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). In addition, for every new vacant residential lot, \$80.00 will be collected for the Stream Maintenance Fund.

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

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

TOWN OF ORANGETOWN  
2016 MAR 24 PM 10 05  
TOWN CLERKS OFFICE

**PB#16-09: Sambrotto Minor Subdivision Plan: Final Subdivision Plan  
Approval Subject to Conditions**

**Town of Orangetown Planning Board  
February 10, 2016  
Page 8 of 9**

**Continuation of Condition #19...**

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.

**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.

TOWN OF ORANGETOWN  
2016 MAR 24 PM 10 05  
TOWN CLERK'S OFFICE

**PB#16-09: Sambrotto Minor Subdivision Plan: Final Subdivision Plan  
Approval Subject to Conditions**

**Town of Orangetown Planning Board  
February 10, 2016  
Page 9 of 9**

**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 DEMA with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications

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

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

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

**Dated: February 10, 2016  
Town of Orangetown Planning Board**

*Cheryl Cooper Smith*

TOWN OF ORANGETOWN  
2016 MAR 24 PM 10 05  
TOWN CLERKS OFFICE