

**Meeting of June 14, 2017  
Town of Orangetown Planning Board**

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

**MEMBER ABSENT:** Robert Dell

**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, 2016:**

**Bergson Subdivision Plan**  
Prepreliminary/ Preliminary/  
Final Subdivision Plan and SEQRA Review  
56 Woods Road, Palisades  
Palisades Historic District  
78.18/1/3.1; R-80 zoning district

**PB #16-05**

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

**New Items:**

**Rathmagurry Subdivision**  
Subdivision Consultation  
636 North Greenbush Road, Blauvelt  
65.15/1/1; R-40/ LO zoning district

**PB #17-27**

**Consultation**

**Mandell Plans**  
Prepreliminary/ Preliminary/  
Final Site Plan and SEQRA Review  
56 Woods Road, Palisades  
Critical Environmental Area  
71.05/1/8; R-22 zoning district

**PB #17-28**

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

**U.S. Information Systems Project Site Plan**  
**Prepreliminary/ Preliminary**  
**Site Plan Review**  
25 Ramland Road, Orangeburg  
73.20/1/26; LIO zoning district

**PB #17-29**

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

**Orangeburg Automotive Storage**  
**Facility Performance Bond Release**  
Recommendation to the Town Board  
To Release the Performance Bond  
5 Greenbush Road, Orangeburg  
74.15/1/2; LI zoning district

**PB #17-30**

**Recommended  
to the Town Board**



**June 14, 2017 Planning Board Meeting**

The decisions of the May 24, 2017 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, aye; Robert Dell, absent; Stephen Sweeney, aye and Thomas Warren, aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Bruce Bond and seconded by Stephen Sweeney and agreed to by all in attendance. The meeting was adjourned at 9:00 p.m. The next Planning Board meeting is scheduled for June 28, 2017.

**DATED: June 14, 2017**

**Cheryl Coopersmith,  
Chief Clerk Boards and Commissions**



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TO: Jay Greenwell, PLS, 85 Lafayette Avenue, Suffern,  
New York 10901  
FROM: Orangetown Planning Board

RE: **Bergson Subdivision Plan:** The application of Palisades 9W LLC, applicant, Wyandanch Washington Realty LLC, owner, for Prepreliminary/ Preliminary/ Final Subdivision Plan Review at a site to be known as "**Bergson 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 56 Woods Road, Palisades, in the Palisades Historic District, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 78.18, Block 1, Lots 3.1 & 3.2 in the R-80 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, January 27 and November 9, 2016, and June 14, 2017**, the Board made the following determinations:

**January 27, 2016**

Jay Greenwell, Simon Bergson and Dennis Rocks appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated January 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 January 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 January 21, 2016.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated January 20, 2016.
5. An Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated January 21, 2016.
6. A letter from Rockland County Department of Planning, from Douglas Schuetz, Action Commissioner of Planning, dated January 6, 2016.
7. A letter from Rockland County Department of Highway, signed by Sonny Lin, P.E., dated January 14, 2016.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated January 15, 2016.
9. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated December 15 & 17, 2015.



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10. Letters from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, signed by Jean McAvoy, dated January 5 & 11, 2016.
11. A letter from the New York State Department of Transportation, signed by Akhter Shareef, dated January 15, 2016.
12. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated January 6, 2016.
13. A copy of the Full Environmental Assessment Form signed by Jay Greenwell, PLS, dated December 30, 2015.
14. A copy of the Short Environmental Assessment Form signed by Palisades 9W, LLC, dated November 17, 2016.
15. Preliminary Hydrologic Analysis Report, prepared by Leonard Jackson Associates, dated September 11, 2015.
16. Subdivision Plan prepared by Jay Greenwell, PLS, dated October 14, 2014, last revision date of November 18, 2015:
  - Sheet 1 of 2: Subdivision of Property
  - Sheet 2 of 2: Survey
17. Engineering Plans prepared by Leonard Jackson Associates, dated September 11, 2015
  - Drawing Number 2: Grading, Drainage & Utility Plan
  - Drawing Number 3: Erosion Control Plan
  - Drawing Number 4: Construction Details
18. A copy of PB# 93-78; Final approval Subject to Conditions, Biaggi Subdivision Plan, dated September 29, 1993.

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

**Public Comment:**

Leo Keegan, 20 Woods Road, expressed concerns regarding the development of the property. He believed that the site was extremely wet and any development would be of great consequence to the area and negatively impact the neighborhood. Mr. Keegan recalled a legal covenant on the Biaggi subdivision against further subdivision and for the Planning Board to act cautiously.

The applicant requested a **CONTINUATION**.

**November 9, 2016**

Jay Greenwell, Simon Bergson and Dennis Rocks appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated November 2, 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 November 9, 2016.



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3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., November 4, 2016.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated November 9, 2016.
5. Subdivision Plan prepared by Jay Greenwell, PLS, dated October 14, 2014, last revision date of August 18, 2016:
  - Sheet 1 of 2: Subdivision of Property
  - Sheet 2 of 2: Survey
6. Engineering Plans prepared by Leonard Jackson Associates, dated September 11, 2015
  - Drawing Number 2: Grading, Drainage & Utility Plan
  - Drawing Number 3: Erosion Control Plan
  - Drawing Number 4: Construction Details
7. Drainage Report, prepared by Leonard Jackson Associates, dated September 11, 2015, revision date of September 30, 2016.
8. A copy of a letter from Nirali Dharani, Leonard Jackson Associates to Bruce Peters, P.E., Town of Orangetown, dated October 6, 2016, with an attachment of Vicinity Map.
9. A copy of a letter from Nirali Dharani, Leonard Jackson Associates to Kenneth DeGennaro, Brooker Engineering, dated October 6, 2016.
10. An email dated January 29, 2016 from Jay Greenwell with the following attachments:
  - Historic Areas Board of Review Decision #91-45
  - Memo to Planning Board from Charlie Zimmermann
  - Letter from Jay Greenwell dated September 22, 1993
  - Planning Board Decision #93-78
  - Restrictive Covenant, filed at Rockland County Clerk
  - Cut of Biaggi Subdivision Plan

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

**PUBLIC COMMENT:**

Leo Keegen, 20 Woods Road, Palisades; an abutting property owner; raised concerns regarding the drainage of the site, noting that the property is totally wet and difficult to build on. He was concerned with surface and the ground water table. Mr. Keegen also held that the applicant is proposing a five lot subdivision with smaller buildings, however there is nothing preventing the construction of larger homes on the site.



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Jeff Sandhouse, 1 Route 9W, Palisades, raised concerns regarding the increase in wetlands since he bought his property in the 1970's. He doesn't want to be adversely impacted by the proposed development.

The applicant requested a **CONTINUATION**.

**June 14, 2017**

Jay Greenwell and Simon Bergson appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated June 7, 2017.
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 14, 2017.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., June 8, 2017.
4. A letter from Rockland County Department of Planning, from Douglas Schuetz, Action Commissioner of Planning, dated May 2, 2017.
5. A letter from Rockland County Department of Highway, signed by Joseph Arena, Senior Engineering Technician, dated April 25, 2017.
6. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated April 21, 2017.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated April 17, 2017.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated April 19, 2017.
9. A letter from the New York State Department of Transportation, signed by Akhter Shareef, dated May 2, 2017.
10. A Narrative Summary, dated April 10, 2017, prepared by Jay Greenwell, PLS
11. A letter from Jay Greenwell, PLS, dated April 6, 2017.
12. Subdivision Plan prepared by Jay Greenwell, PLS, dated October 14, 2014, last revision date of January 3, 2017:
  - Sheet 1 of 2: Subdivision of Property
  - Sheet 2 of 3: Subdivision of Property
  - Sheet 3 of 3: Subdivision of Property

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



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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 Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, absent; 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 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, absent; 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, 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:



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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 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, absent; 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 Approval Subject to the Following Conditions:**





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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 plans have been revised as a three lot residential subdivision. The following variance needs to be sought from the Town of Orangetown Zoning Board of Appeals:

- Lots 1 and 3 have zero frontages on a public street; therefore a 280A waiver needs to be obtained.

4. The undeveloped subdivision lot (Lot #1), is approved for subdivision but plans to be developed at a later date. Since all 3 proposed subdivision lots are to gain access from the private drive, then any new development or redevelopment for either any of the subdivision lots shall require a Site Plan review, including SEQRA by all applicable Land Use Boards (Planning Board, Architecture and Community Appearance Board of Review, etc.). Upon returning to the Land Use Boards for Site Plan review, the private drive shall be improved to Rural Road Specifications, as deemed necessary by the Planning Board. A note shall be added to the Subdivision Plans that any development of Lots 1, 2 or 3 shall require Site Plan Review and the access road must be improved to Rural Road specifications as part of the development of Lots 1 and/or 3 and /or redevelopment of Lot #2. In addition, there shall be a Covenant filed prior to the signing of the subdivision map with each of the new subdivision lot deeds indicating the requirement to return to the Land Use Boards for Site Plan Review when either new development or redevelopment of a lot is proposed and the requirement that the driveway shall be improved to Rural Road specifications.

5. A Covenant shall be filed with each of the new subdivision lot deeds indicating the requirement to widen the roadway leading to the site upon any future development.

6. The fee ownership of Lot #1 shall be clearly delineated to show that the driveway is located thereon, and shall show that the other lots will have an easement as over part of that lot #1 for ingress, egress and utilities. A maintenance agreement for the driveway shall also be provided.



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7. Please provide the date of the wetlands delineation on the Subdivision Map. Label the wetlands as "Army Corp of Engineers" and/or "New York State Department of Environmental Conservation" wetlands.

8. A jurisdictional determination letter shall be obtained from the Army Corp of Engineers (ACOE).

9. Site distances at the access drive shall be shown on the Subdivision Plan.

10. The Full Environmental Assessment Form appears to be in order.

11. DEME has serious concerns about the volume of wetlands on the proposed subdivision area and the proposed improvements. Beyond the obvious impacts to the wetlands of building multiple impervious structures/ underground utilities all around them, is the probability/ possibility of the ground water table being very high in the areas outside the wetlands. If this is the case, it will impact how everything is constructed, i.e. driveways, foundations, utility trenches, underground stormwater storage systems, etc. These will all need additional design and construction features to ensure that function as designed (for example: anchoring down underground stormwater storage facilities so that they do not float when empty.) The proposed utility trenches are another concern. These underground facilities usually have stone bedding at a minimum, in the locations shown, they may be required to completely in stone, which in high ground water situation, will provide a place for ground water to infiltrate and flow. This could lead to the possibility of infiltration into the sanitary sewer main which is unacceptable.

12. The revised drainage report is required. The report shall include the ground water table in the areas of proposed construction. The applicant's engineer's letter of October 6, 2016 states that the groundwater elevations have been conservatively assumed, however, do to the large areas of wetlands, standing water and possible high ground water elevations, DEME believes that the actually ground water table shall be determined now before this application proceeds. Therefore, DEME strongly recommends that soil borings, perc tests and determination of groundwater elevations be performed at **all** proposed underground drainage detention systems, foundations, and at every 50 feet along the proposed sanitary sewer main layout. These tests/ investigations shall be performed in the spring when the ground water table is typically at its highest. DEME and the Building Department shall be notified when this work is to be done so that the test tests can be witnessed. This shall be done **prior** to this proposal going any further or receiving any approvals to ensure that all of the work proposed can be done without interference from high ground water tables. The groundwater table shall be determined and the require provisions for it shall be added to calculations and design details. The applicant's engineer's letter also goes on to state that concrete structures "resist" buoyancy. While this is true, it is also true that concrete structures are not immune from floating.



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13. The drainage calculations shall also be revised to describe and demonstrate the height that the groundwater may rise to during the storms analyzed in the calculations and what effect that may have on all of the proposed underground systems, foundations, utility trenches, etc.

14. A Full SWPPP (to be submitted in a 3-ring binder) shall be submitted for this site. The SWPPP and supporting drainage calculations shall be designed in accordance with 2015 NYSDEC Stormwater Management Design Manual (NYSDEC-SMDM). Although single family home development with a disturbance of less than 5 acres does not usually require water quality treatment, DEME believes it to be necessary due to the sensitivity of the area (the large amount of wetlands that surrounds the proposed improvements).

15. Stormwater systems shall be designed and added to the plans and the SWPPP. The details shall include installation (anchoring), maintenance, inspection access, cleaning, storage volumes – corresponding elevation – corresponding storm, safety, etc.

16. The proposed sanitary house connections shall be extended into proposed Lot #1.

17. The applicant's engineer may wish to consider and "e-one" type of system for the proposed private sanitary sewer system/ House connections. IF an "e-one" system is chosen, a NYS licensed Professional Engineer shall submit a design for the system to DEME for review and approval.

18. A note shall be added to the Subdivision plat, as well as each individual deed for each property, clearly stating that the proposed sanitary mains, sanitary pumping station and forced main shall be the sole responsibility of the homeowners. Also prior to the sale of any lot, the buyer for said lot shall be required to enter into a maintenance agreement for the private sanitary system for a period of at least 3 years.

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

20. The total existing & proposed impervious areas and the total amount of disturbance for this project shall be listed on the drawings, as well as in the SWPPP. A breakdown of these totals for reach lot, (preferably in table form, as was done in the revised drainage report; Page 6), shall also be given on the drawings and SWPPP.



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21. A note shall be added to the plans stating that if any of the proposed impervious areas for any of the lots are to be increase, new drainage calculations shall be submitted to DEME for review and approval AND new or expanded stormwater facilities may be required, as is stated in the revised drainage calculations.

22. The proposed private driveway off of Woods Roads shall be improved (widened) to allow cars to pass each other.

23. It shall be noted on the plans and deeds for Lots 2 & 3 that the homeowners shall be responsible for the ponds that are on those lots.

24. A legend that complies with the NYSDEC-SMDM shall be added to the Erosion Control Plans.

25. A profiles for the driveways off of Woods Road showing stationing (to be shown on the plan view as well), shall be added to the plans.

26. Profiles for all proposed utilities (sanitary house connections, sanitary sewer main and storm sewer facilities, etc.) shall be added to the plans.

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

28. The exiting drives opposite the entrances onto Route 9W and Woods Road shall be shown on the plans.

29. Typical details shall be added to the plans, i.e. manhole, manhole frame and cover, pavement, etc.

30. A tree plan showing all proposed tree removal shall be added to the drawings.

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

1. In February 2017, the Rockland County Department of Health amended the Rockland County Sanitary Code, Article VII, Realty Subdivisions. Therefore, all major subdivisions, i.e. those with three or more lots, must be reviewed and approved by the Rockland County Department of Health (RCDOH) prior to filing with the County Clerk. RCDOH is mandated by New York State law to ensure that such subdivision will have both an adequate and satisfactory water supply and adequate and satisfactory sewerage facilities. The conditions in the April 17, 2017 letter from RCDOH must be met.



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**Continuation of Condition #31....**

2. 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.
3. A review shall be completed by the New York State Department of Transportation and all required permits obtained.
4. A review shall be completed by the Palisades Interstate Park Commission and any raised comments or concerns addressed.
5. If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.
6. A review must be completed by the New York/ New Jersey Trail Conference and any concerns addressed.
7. An access easement must be provided for Lots 2 and 3 over Lot 1.
8. Lot area deductions must be provided for each lot. The Bulk Table shall provide net and gross lot areas, with the deductions for wetlands, easements, etc. specified. As provided, it is not clear if the lot areas are the gross or net lot area, and whether these features have been accounted for in the lot area provided.
9. It is noted that there is an existing well on new tax lot #3. Is there also an existing well on Lot #2? This must be clarified. It is also unclear if the well(s) will remain, or be decommissioned. If any wells will no longer be used following the proposed site development, a formal notation on the approved plans must specify that the wells will be decommissioned in compliance with Article II of the Rockland County Sanitary Code. Furthermore, approval must be obtained from the Rockland County Department of Health prior to initiating any decommissioning activity.



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**Continuation of Condition #31....**

10. Prior to start of construction or grading, a soil and erosion control plan shall be developed that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

11. There shall be no net increase in stormwater runoff from the site.

12. A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.

13. If any variances are needed to implement the proposed site plan, the Rockland County Department of Planning requests the opportunity to review the proposed variances, as required by New York State General Municipal Law, Section 239-m(3)(v).

**32.** The Rockland County Department of Highways reviewed the plans and information and found that the proposed action should have a de minimis impact upon county roads in the area. The Rockland County Highway Department poses no object to the new lot line configurations.

**33.** The Rockland County Department of Health (RCDOH) reviewed the plans and offered the following comments:

- Formal application for Realty Subdivision approval is to be made to the Rockland County Health Department.
- Application is to be made to the RCDOH for a sanitary sewer extension.
- Separate application is to be made to the RCDOH for review of the Stormwater Management system for compliance with the County Mosquito Code.

**34.** 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.

**35.** 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 Highway
- Rockland County Department of Health
- Rockland County Sewer District #1
- Town of Orangetown Zoning Board of Appeals
- New York State Department of Transportation



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

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

38. 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.

39. 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.

40. 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:



**PB #16-05: Bergson Subdivision;  
Preliminary Subdivision Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
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**Continuation of Condition #40...**

- 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.

**41.** 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.

**42.** 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.

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

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





**PB #16-05: Bergson Subdivision;  
Preliminary Subdivision Plan Approval  
Subject to Conditions/ Neg. Dec.**

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

46. 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

47. 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, aye; William Young, aye, Stephen Sweeney, aye; Robert Dell, absent 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: June 14, 2017**  
Cheryl Coopersmith  
Chief Clerk Boards and Commissions  
attachment



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

**PB #16-05: Bergson Subdivision;  
Preliminary Subdivision Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
June 14, 2017**

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: Bergson Subdivision; Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

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

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

**DESCRIPTION OF ACTION: Preliminary Subdivision Plan subject to Conditions/ Neg. Dec.**

LOCATION: The site is located at 56 Woods Road, Palisades, in the Palisades Historic District, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 78.18, Block 1, Lots 3.1 & 3.2 in the R-80 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



**PB #17-27: Rathmagurry Subdivision Plan– Consultation  
Town of Orangetown Planning Board Decision**

June 14, 2017  
Page 1 of 1

**TO: Brendan Cunney, Rathmagurry Realty, 100 Brenner Drive,  
Congers, New York 10920**  
**FROM: Orangetown Planning Board**

**RE: Rathmagurry Subdivision:** The application of Rathmagurry Realty, Inc., owner, for Consultation Subdivision Plan Review at a site to be known as “**Rathmagurry 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 636 North Greenbush Road, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.15, Block 1, Lot 1 in the R-40/ LO zoning districts.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, June 14, 2017**, the Board made the following determinations:

Brian Cunny and Jay Greenwell appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated June 7, 2017.
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 14, 2017.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 8, 2017.
4. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief, dated June 5, 2017.
5. A Narrative Summary of the proposed subdivision.
6. Plan prepared by Jay Greenwell, PLS, dated March 7, 2017; “Residential Subdivision and Commercial Site Development Plan of Property for Rathmagurry”.
7. Submitted at the meeting, Subdivision and Site Plans entitled “Subdivision of Property for Palladino”, dated October 31, 2008, last revised June 6, 2009
  - Subdivision Plan
  - Site Plan, Grading, Drainage and Utility Plan Lot 1 Townhouses
  - Site Plan, Grading, Drainage and Utility Plan Lot 2 Commercial

The Board reviewed the plan. The applicant stated that it wanted to return to the prior plan that received Preliminary Subdivision Approval “Palladino Subdivision”, and the proposed Site Plan, as submitted at the Planning Board Meeting.

The hearing was then opened to the Public.

**CONSULTATION: In view of the foregoing and the testimony before the Board, the Board recommended that the applicant proceed with the prior Subdivision and Site Plan proposal for the property.**

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

**Dated: June 14, 2017**  
**Cheryl Coopersmith**  
**Chief Clerk Boards and Commissions**



**PB #17-28: Mandell Plans  
Critical Environmental Area  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #46394**

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

RE: **Mandell Site Plan:** The application of Eduard Mandell, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review for the construction of a detached garage and retaining walls at a site known as "**Mandell Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown 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 26 Shadyside Avenue, in the Critical Environmental Area, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lot 8 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **June 14, 2017** at which time the Board made the following determinations:

Ryan Nasher and Eduard Mandell appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated June 7, 2017.
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 14, 2017.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 8, 2017.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated June 12, 2017.
5. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated June 5, 2017.
6. A letter from the Rockland County Department of Highways, signed by Joseph Arena, Senior Engineering Technician, dated May 26, 2017.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 8, 2017.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated May 5, 2017.
9. A letter from the New York State Department of Environmental Conservation, signed by Katherine Coffin, Division of Environmental Permits, Region 3, dated June 2, 2017.
10. A letter from the New York State Department of Transportation, signed by Akhter Shareef, dated May 2, 2017.



**PB #17-28: Mandell Plans  
Critical Environmental Area  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #46394**

**Town of Orangetown Planning Board Decision  
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11. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated May 17, 2017.
12. A Short Environmental Assessment Form signed by John Atzl, undated.
13. Plans prepared by Atzl, Nasher & Zigler, dated April 17, 2017:
  - Drawing 1: Existing Site
  - Drawing 2: Site Development Plan
  - Drawing 3: Proposed Retaining Wall Plan
  - Drawing 4: Erosion and Sediment Control Plan
14. A Stormwater Management Design Report prepared by Atzl, Nasher & Zigler, dated April 17, 2017.
15. Building Permit Referral to the Planning Board dated April 27, 2017 signed by Michael Manzare, Building Inspector.
16. A Project Narrative prepared by Atzl, Nasher & Zigler, dated March 3, 2017.

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



**PB #17-28: Mandell Plans  
Critical Environmental Area  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #46394**

**Town of Orangetown Planning Board Decision  
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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, Atzl, Nasher & Zigler, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies:, Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Sewer District #1, New York State Department of Transportation, New York State Department of Environmental Conservation, and having reviewed the drawings presented by the applicant's professional consultants; Atzl, Nasher & Zigler a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- 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.



**PB #17-28: Mandell Plans  
Critical Environmental Area  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #46394**

**Town of Orangetown Planning Board Decision  
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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, absent; 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.
3. The plan shall show the location of existing utilities such as sewer, water, gas and electric.
4. The Zoning Bulk table shall show the proposed requirements for the detached garage together with the residence.
5. The yard setbacks for the proposed garage shall be labeled on the Site Plan.
6. A variance for the front yard setback shall be sought from the Town of Orangetown Zoning Board of Appeals. The minimum front yard required is 40 feet and the proposed shall be labeled on the plan before proceeding to the Zoning Board of Appeals.
7. Details of the proposed retaining walls, to include a profile of the wall, shall be provided and the design prepared by a New York State licensed Professional Engineer.



**Town of Orangetown Planning Board Decision  
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8. The Short Environmental Assessment Form appears to be in order.
9. The drainage calculations are currently under review by DEME. However, the calculations shall describe the affects an overflow of the proposed underground infiltration system may have to the "downstream" properties.
10. The proposed catch basin in the corner of the driveway near the proposed garage shall be connected to the proposed underground Stormtech chamber.
11. The applicant's engineer shall perform soil borings, perc test and determine ground water elevation, in the area of the proposed underground infiltration system, to ensure the adequacy of the stormwater design. These tests shall be performed prior to receiving final Planning Board approval to verify that the proposed design is adequate.
12. Due to the large amount of earthwork being proposed on this lot, more rigorous SESC facilities shall be designed and shown on the drawings. Also, the applicant's engineer shall provide a written description of how the proposed earthwork is to be undertaken, i.e. staging, phasing, etc.
13. 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.
14. The applicant shall obtain written permission from the Town of Orangetown Highway Department to fill in the existing drainage easement.
15. A detail for the proposed stone outlet shall be added to the drawings.
16. Erosion control measures shall be extended along the southern property line.
17. A legend that complies with the NYSDEC-SMDM shall be added to the Erosion Control Plans.
18. The elevation of the referenced benchmark shall be added to Note #7.





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

**Project Description**

This is the first drainage review report for this project. The property is located on the east side of Shadyside Avenue and the land slopes downhill to the east. There is an existing single family residence on the site and a 40 feet wide drainage easement along the north property line.

There are existing drainage channels along the north and south property lines. The south channel has a 12 inch diameter pipe discharging to the channel. The north drainage channel receives flow from a paved swale from the driveway. Both channels discharge to the property to the east (tax lot 71.05-1-8). The proposal is to construct a new detached garage along the driveway on the north side of the property, near the drainage easement. A proposed deck is located along the south side of the property. Patios and additional impervious areas are proposed in the rear yard. Regrading and retaining walls are proposed in the backyard to create a flat lawn area. Stormtech chambers are proposed to provide water quantity detention.

**Project Comments**

1. The drainage report uses a single watershed for the disturbed area. The drainage report shall subdivide the watersheds to Points of Interest for the open channel at the north property line and south property line and demonstrate no increases in peak runoff at both locations.
2. The watershed delineations shall be based on topography and show the areas that will enter the detention facilities, including areas beyond the limits of disturbance.
3. The outfall from the paved swale near the proposed garage displays significant erosion under existing conditions. This is the location of the proposed detached garage. A proposed small swale is shown around the new garage; however, more detail is needed to show that additional erosion will not occur.



**PB #17-28: Mandell Plans  
Critical Environmental Area  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #46394**

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

4. Proposed grading in the driveway shall be added that demonstrates stormwater runoff will not be directed to either garage.
5. Overflow points of discharges shall avoid directly discharging to steep slope areas.
6. The source of stormwater runoff conveyed to the 12-inch pipe on the south side shall be added to the survey. The survey shall verify if any stormwater from the piped drainage system on Shadyside Avenue is conveyed to the site.
7. Additional exposed drainage pipes are visible on the eroded North Channel. The source of these pipes shall be added to the survey.
8. Show the impervious surface calculations on the existing and proposed watershed maps.
9. Show the column locations for the decks over the driveway.
20. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
  - A review shall be completed by the New York State Department of Transportation, any concerns addressed, and any required permits obtained.
  - As indicated in the May 8, 2017 letter from the Rockland County Department of Health, an application must be made to them for review of the Stormwater management system to ensure compliance with the County Mosquito Code.
  - A review shall be completed by the New York State Department of Environmental Conservation, and any required permits obtained.
21. A Rockland County Highway Department work Permit will not be required for the proposed development.



**Town of Orangetown Planning Board Decision  
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**22.** The Rockland County Department of Health reviewed the information and offered the following comment; application is to be made to the Rockland County Department of Health for review of the system for compliance with the County Mosquito Code.

**23.** 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.

**24.** Based upon the circulated documents, the New York State Department of Environmental Conservation (NYSDEC - Department) holds that the project will require NYSDEC permits as indicated below:

- **Protection of Waters:** There are no water bodies that appear on the regulatory Maps at the identified site. Therefore, if there is a stream or pond outlet present at the site with year round flow, it assumes the classification of the watercourse into which it fees, Hudson River, Class SB, and a Projection of Water permit is required. If there is a stream or pond outlet present at the site that runs intermittently (seasonally), it is not protected, and a Protection of Waters permit is not required. If a permit is note required, please note, however, the applicant is still responsible for ensuring that work shall not pollute any stream or water body. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or water body by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.

- **Freshwater Wetlands:** The indicated project site is not within a New York State protected Freshwater Wetland. However, please contact the Town of Orangetown and the United States Army Corp of Engineers for any permitting they might require.

- **State Listed Species:** DEC has reviewed the State's Natural Heritage records and determined that the site is located within or near know occurrences of the following state-listed species: Shortnose sturgeon, *Acipenser brevirostrum* (endangered).

Due to the scope and nature of the proposed project, the Department does not anticipate direct adverse impacts to the Shortnose sturgeon. Therefore, no further review is required for this species, and an Article Incidental "Take" Permit is not required.



**Town of Orangetown Planning Board Decision  
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**Continuation of Condition #24....**

The absence of data does not necessarily mean that rare or other state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, the Department files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. The Department cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

• **Water Quality Certification:** Please be aware that the Army Corp of Engineers (ACOE) may require a permit for work completed in or impacting a federal wetland. If a permit from the ACOE is required, a Section 401 Water Quality Certification may be required from the Department. Please contact the ACOE for a determination.

• **Cultural Resources:** DEC has reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that the parking expansion portion of the project is located within an area considered to be sensitive with regard to archaeological resources. Visit NYS Office of Historic Preservation website at [nysparks.com/shop/online-tools](http://nysparks.com/shop/online-tools). The applicant shall prepare the required forms and submit to the NYS DEC.

• **Coastal Management Zone:** This project is located within the Coastal Management Zone. If the Department had individual permits approvals for this project, the Department would review it in accordance with Coastal Management Program requirements. For additional information about the Coastal Management Zone, contact the NYS Department of State, 518-474-6000.

• **Other:** Other permits from DEC or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and therefore, the applicant should verify the need for permits if the project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified.



**Town of Orangetown Planning Board Decision  
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**25.** 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
- New York State Department of Environmental Conservation
- New York State Department of Transportation

**26.** 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.

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

**28. 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.



**Town of Orangetown Planning Board Decision  
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**Continuation of Condition #28...**

- 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.

**29.** 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.

**30.** 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.

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

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



**PB #17-28: Mandell Plans  
Critical Environmental Area  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #46394**

**Town of Orangetown Planning Board Decision  
June 14, 2017  
Page 12 of 12**

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

34. 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

35. 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, nay; William Young, aye; Robert Dell, absent; 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: June 14, 2017  
Cheryl Coopersmith  
Chief Clerk Boards and Commissions**  
Attachment



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

**PB #17-28: Mandell Plans  
Critical Environmental Area  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #46394**

**Town of Orangetown Planning Board Decision  
June 14, 2017**

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: Mandell Plans (Critical Environmental Area)  
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 26 Shadyside Avenue, in the Critical Environmental Area, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lot 8 in the R-22 zoning district.

**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





**PB #17-29: U.S. Information Systems Project  
Site Plan  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #46352**

**Town of Orangetown Planning Board Decision  
June 14, 2017  
Page 1 of 11**

**TO: Diego Villareale, JMC Engineering, 120 Bedford Road, Armonk  
New York 10504  
FROM: Orangetown Planning Board**

**RE: U.S. Information Systems Project Site Plan:** The application of U.S. Information Systems, owner, for Prepreliminary/ Preliminary Site Plan Review for the expansion of an existing building with associated site improvements at a site known as “**U.S. Information Systems Project 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 25 Ramland Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.20, Block 1, Lot 26 in the LIO zoning district.

Rehearing of the Planning Board of the Town of Orangetown at a meeting held **Wednesday, June 14, 2017** the Board made the following determinations:

Diego Villareale, Laura Weiss, Joe Ceva and Joseph Lagana appeared and testified.

The Board received the following communications:

1. Project Review Committee Reports dated June 7, 2017.
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 14, 2017.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., June 8, 2017.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated June 13, 2017.
5. Letters from the Rockland County Highway Department, signed by Joseph Area, Senior Engineering Technician, dated June 5, 2017.
6. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 26, 2017.
7. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated May 25, 2017.
8. A letter from the Town of Orangetown Zoning Board of Appeals signed by Dan Sullivan, Chair, dated June 7, 2017.
9. A Short Environmental Assessment Form signed by Diego Villareale, JMC, dated May 17, 2017.



**PB #17-29: U.S. Information Systems Project  
Site Plan  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #46352**

**Town of Orangetown Planning Board Decision  
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10. Plans entitled U.S. Information Systems Project Site Plans, prepared by JMC Site Development Consultants, dated April 11, 2017, revised May 17, 2017:

- SP-1: Cover Sheet
- SP-2: Site Existing Conditions Map
- SP-3: Site Layout Plan
- SP-4: Site Grading Plan and Erosion and Sediment Control Plan
- SP-5: Site Utilities Plan
- SP-6: Construction Details
- SP-7: Construction Details
- SP-8: Construction Details
- SP-9: Construction Details

11. A copy of the Building Permit Referral signed by Building Inspector Rick Oliver dated April 12, 2017.

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

**Public Comment:**

Joseph Gorglione, 142 Valley Forge Place, Orangeburg; raised concerns regarding the current noise at the site and noted that the noise could increase due to the proposed building addition. He stated that he has viewed trucks unable to access the site properly from the roadway circle. Mr. Gorglione held that it was quality of life issue and the noise and traffic from the site are out of control.

Ronald Beaubrun, 144 Valley Forge Place, Orangeburg; said he worked nights so he needed to sleep during the day, however he is unable to sleep because the noise coming from the applicant's 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 Michael Mandel and second by William Young and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, absent; Thomas Warren, aye and Stephen Sweeney, aye.



**PB #17-29: U.S. Information Systems Project  
Site Plan  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #46352**

**Town of Orangetown Planning Board Decision  
June 14, 2017  
Page 3 of 11**

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 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, absent; 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 JMC Site Development Consultants and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Department of Health, Rockland County Department of Highways, Town of Orangetown Zoning Board of Appeals, and having reviewed proposed Site Plans by prepared by JMC Site Development Consultants, a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:



**PB #17-29: U.S. Information Systems Project  
Site Plan  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #46352**

**Town of Orangetown Planning Board Decision  
June 14, 2017  
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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 Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, absent; 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".



**Town of Orangetown Planning Board Decision**  
**June 14, 2017**  
**Page 5 of 11**

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 application is for a 22,000 square foot expansion to an existing business/warehouse building.
4. The square footage of the existing building shall be labeled on the Site Plan.
5. The number of loading berths shall be labeled on the Site Plan. Variances may need to be sought for the total number of required loading berths from the Town of Orangetown Zoning Board of Appeals. Please clarify.
6. The proposed addition is 95 feet from the buffer zone line, making the rear yard setback only 95 feet instead of 100 feet. The Planning Board may reduce the yard setback up to 50% when a buffer is proposed. Therefore, the 95 foot setback shall be approved by the Planning Board.
7. The existing macadam drive on South Ramland Road shall be eliminated and a new drive in the vicinity of the existing concrete walk shall be shown to the existing front macadam parking lot.
8. Label with arrows the direction of traffic flow on the existing macadam drive located on the Ramland Road Cul-de-sac as two ways, enter and exit directions on the Site Plan.
9. The application shall be reviewed by the Town of Orangetown Architecture and Community appearance Board of Review.
10. The Short Environmental Assessment Form appears to be in order.
11. The applicant shall study the turning radii for truck access to and on the site.
12. The applicant shall study the site for water savings design, i.e., rain garden, use of rainwater runoff for landscape irrigation and draught resistance plants.
13. The applicant shall review the Site Plan design for the following issues:
  - Location of the loading berths, existing and proposed
  - Location of the dumpster, possibly inside the building
  - One way interior roadway



**PB #17-29: U.S. Information Systems Project  
Site Plan  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #46352**

**Town of Orangetown Planning Board Decision  
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14. The stormwater management report provided is under review by DEME.
15. DEME recommends that soil borings, perc tests and determination of groundwater elevations be performed at the proposed underground drainage detention system. The tests/ investigations shall be performed in the spring when the ground water table is typically at its highest. DEME and the Building Department shall be notified when this work is to be done so that the tests can be witnessed. This shall be done **prior** to this proposal receiving Final Site Plan Approval.
16. The total area of disturbance shall be listed on drawing SP-4.
17. The legend on drawing SP-4 shall be revised to comply with the NYSDEC-SMDM standard symbols.
18. 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.
19. The applicant shall consider removing the existing northern entrance, right after the traffic circle, and utilize the existing entrance on the traffic circle, since a second entrance/ exit is being proposed along Ramland Road South.
20. The applicant shall look into the possibility of removing some of the paved parking area along the eastern side of the lot in order to reduce the amount of existing impervious area on the lot.
21. The applicant's engineer is advised that if the total area of disturbance increases to over 1 acre, a formal full SWPPP will need to be prepared for the Site Plan.
22. Profiles for the proposed storm sewer mains shall be given on the drawings.
23. It appears as though the new warehouse location will be constructed over an existing water manhole; the drawings shall reflect any changes to the water line location because of this.



**Town of Orangetown Planning Board Decision  
June 14, 2017  
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24. The datum for the contours shall be given on the Site Plan.

25. A note shall be added to the Site Plan indication the source benchmark for the referenced datum, including the BM elevations.

**26. Drainage Review Recommendation**

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

**Project Description**

This is the first drainage review report for this project. The property is located on the east side of South Ramland Road, just south of the Ramland Road cul-de-sac. There is an existing one story warehouse building and parking lot on the property. A 22,000 SF building addition is proposed on the south side of the building, and a total of 41,000 square feet of new impervious area is proposed, including the parking lot expansion and new entrance to South Ramland Road. The property slopes downhill to the west, towards South Ramland Road. The detention system consists of 900 linear feet of 60-inch diameter pipe with an outlet structure. This is located on the south side of the property and discharges to the catch basin on South Ramland Road.

**Project Comments**

1. The proposed limit of disturbance is 0.99 acres, therefore no post construction water quality measures are provided and no Stormwater Pollution Plan has been submitted. Orangetown DEME shall verify the limit of disturbance.

2. The calculations correctly delineate the watershed at the appropriate design point of interest. Off-site runoff that enters the detention system is accurately incorporated into the watershed delineation. However, the off-site subarea consists of a well-drained soil that significantly lowers the overall weighted curve number used in the model. An alternate proposed conditions model shall be evaluated where the drainage watershed (PDA-1) is subdivided into the impervious area that is directly connected to the detention system (41,000 SF) and the remainder of the watershed that is conveyed to the detention system. These two hydrographs shall be combined and then routed through the detention system.



**Town of Orangetown Planning Board Decision  
June 14, 2017  
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**Continuation of Condition #26...**

3. Show roof leader(s) from the proposed building.
  4. The Site Plans shall note if the building is a slab on grade or if a basement/crawl space is proposed.
  5. More detail is needed of the proposed grading that intends to direct the stormwater runoff to Curb Inlet CI-A-3-2-1. There is a strong possibility that during construction, the new parking lot may be graded in such a way that allows more runoff to bypass this inlet. For ease of inspection during construction and verification of the as-builts by the Building Department, the drainage area that is intended to enter the detention system shall be added to the Site Plan.
  6. The Drainage Consultant recommends a drywell be added closer to the property line to intercept some of the stormwater runoff from the new driveway that is too low to enter the proposed detention system.
  7. Detail 13 shall add the specific dimensions and elevations of the detention system. A plan view shall be added.
  8. Soil testing and percolation data shall be added to the plan. It is noted that the calculations conservatively do not include stone volume or infiltration; however, the presence of groundwater shall be verified.
- 27.** The Rockland County Highway Department reviewed the plan and offered the following comments:
1. The Rockland County Highway Department has reviewed the information provided and determined that the proposed design would not be adverse to county roads in the area.
  2. Due to the location of this parcel, a Rockland County Highway Department Work Permit will not be required.
- 28.** The Rockland County Department of Health (RCDOH) reviewed the plan and found that application is to be made to the RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.





**PB #17-29: U.S. Information Systems Project  
Site Plan  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #46352**

**Town of Orangetown Planning Board Decision  
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**29.** 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.

**30.** 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
- Rockland County Highway Department
- Town of Orangetown Zoning Board of Appeals

**31.** 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.

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

**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.

**34. 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 preserve 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:



**Town of Orangetown Planning Board Decision  
June 14, 2017  
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**Continuation of Condition #34...**

- 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.

**35.** 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.

**36.** 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.

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



**PB #17-29: U.S. Information Systems Project  
Site Plan  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #46352**

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

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

**40.** 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

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

The foregoing Resolution was made and moved 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, absent; 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: June 14, 2017  
Cheryl Coopersmith  
Chief Clerk Boards and Commissions**  
attachment



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

**PB #17-29: U.S. Information Systems Project                      Permit #46352  
Site Plan; Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**June 14, 2017**

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: U.S. Information Systems Project Site Plan**

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

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

**DESCRIPTION OF ACTION: Site Plan Review**

**LOCATION:** The site is located at 25 Ramland Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.20, Block 1, Lot 26 in the LIO 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



**PB#17-30: Orangeburg Automotive Storage Facility – Recommendation to the Town Board to Release the Performance Bond**

**Town of Orangetown Planning Board Recommendation  
June 14, 2017  
Page 1 of 2**

TO: Alfred Rossi, RD Management.  
FROM: Town of Orangetown Planning Board

RE: **Orangeburg Automotive Storage Facility:** The application of Alfred Rossi, RD Management, owner, for a Recommendation to the Town Board to Release the Performance Bond for a Site Plan known as “**Orangeburg Automotive Storage Facility**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 5 Greenbush Road, Orangeburg, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.15, Block 1, Lot 2 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, June 14, 2017**, at which time the Board made the following determinations:

Alfred Rossi appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated June 7, 2017.
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 14, 2017.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 23, 2017.
4. An Interdepartmental memorandum from the Highway Department, Town of Orangetown, signed by James Dean, Superintendent of Highways, dated June 6, 2017.
5. An Email from Alfred Rossi, dated May 4, 2017.
6. Copy of PB #03-47, Recommendation to the Town Board to Establish Value and Term of the Performance Bond, dated April 9, 2003.
7. A copy of the Performance Bond, in the amount of \$127,572.00, Bond No. 0358608.

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

**RECOMMENDATION:** In view of the foregoing, the Planning Board **Recommended to the Town of Orangetown Town Board to Release the Performance Bond.**



**PB#17-30: Orangeburg Automotive Storage Facility – Recommendation to the Town Board to Release the Performance Bond**

**Town of Orangetown Planning Board Recommendation**

**June 14, 2017**

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

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

**Dated: June 14, 2017**

**Cheryl Coopersmith**

**Chief Clerk Boards and Commissions**

