

**Meeting of March 22, 2017
Town of Orangetown Planning Board**

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

MEMBERS ABSENT: William Young

ALSO PRESENT: John Giardiello, Director, Department of Building, Zoning, Planning Administration and Enforcement; Robert Magrino, Deputy Town Attorney; Ann Marie Ambrose, Stenographer and Christian Catania, Senior Clerk Typist

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:

The Cunningham House Site Plan Tappan Historic District Final Site Plan Review 118 Main Street, Tappan 77.11/3/2; CS zoning district	Final Site Plan Approval Subject to Conditions	PB #17-13
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Brightview Senior Living Sign Location Plan Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review 31 Hunt Road, Pearl River 73.15/1/10; R-80 zoning district	Preliminary Site Plan Approval Subject to Conditions Reaffirmation of SEQRA	PB #17-14
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Karp Site Plan Critical Environmental Area Prepreliminary/ Preliminary Site Plan and SEQRA Review 242 Tweed Boulevard, Sparkill 75.09/1/1; R-80 zoning district	Continuation at the Request of the Applicant: Revise Plans	PB #17-16
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Other Business: A representative of Henry Kaufmann Campgrounds requested the Planning Board to review plans for a walking path over a bridge that floods. The Board gave the Building's Department the authority of oversight to review/approve the project.

The decisions of the March 8, 2017 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved 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, absent; Robert Dell, aye; Stephen Sweeney, aye and Thomas Warren, aye.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Stephen Sweeney and seconded by Michael Mandel and agreed to by all in attendance. The meeting was adjourned at 8:05 p.m. The next Planning Board meeting is scheduled for April 12, 2017.

DATED: March 22, 2017

**Cheryl Coopersmith, Chief Clerk Boards and Commissions
Town of Orangetown Planning Board**

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

RE: The Cunningham House Site Plan: The application of Stephen Janson, applicant, for The Cunningham House, LLC, owner, for a Parking Facility Plan and a Fence Plan at a site located in the Tappan Historic District, for Final Site Plan Review at a site known as "**The Cunningham House Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 118 Main Street, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.11, Block 3, Lot 2 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **March 8 and 22, 2017** at which time the Board made the following determinations:

March 8, 2017

Gregg Verrilli, Stephen Janson and Anthony Celentano appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated March 1, 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 March 8, 2017.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., March 1, 2017.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated March 7, 2017.
5. A letter from Rockland County Department of Planning, from Douglas Schuetz, Acting Commissioner of Planning, dated March 2, 2017.
6. A letter from Rockland County Highway Department, signed by Sonny Lin, P.E., dated March 7, 2017.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 7, 2017.

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8. Site Plan for "Janson", dated June 8, 2015, last revision dated January 27, 2017, plan prepared by Anthony Celentano, PLS.
9. Copies of the following Board Decisions: HABR #16-16, Approved as Presented, dated November 8, 2016; ZBA #16-96, Granted Approval for Gravel Parking Area and Required Off-Street Parking Spaces, dated November 2, 2016, and PB #16-56, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated July 27, 2017.

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

The applicant requested a **CONTINUATION**.

March 22, 2017

Gregg Verrilli and Stephen Janson appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated March 15, 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 March 22, 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 second by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, absent; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye.

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

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

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2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

3. The applicant shall comply with all pertinent and applicable conditions of previous decisions: HABR #16-16, Approved as Presented, dated November 8, 2016; ZBA #16-96, Granted Approval for Gravel Parking Area and Required Off-Street Parking Spaces, dated November 2, 2016, and PB #16-56, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated July 27, 2017.

4. Due to the existing physical conditions at the property, parking spaces 1 and 2 shall be labeled as "Compact Car Parking" and/ or "Employee Parking".

5. Although DEME still has concerns about a gravel parking lot and the possibility of oils/ greases/ contaminates entering the ground water, it is understood that the Town of Orangetown Zoning Board of Appeals, ZBA #16-96, conclusions 1, 3 and Decision) has granted relief from requiring the proposed parking area to be paved.

6. A proposed delineation of the silt fence on the Site Plan shall utilize the standard NYSDEC symbol for silt fence, as found in the silt fence detail – Figure 5.30 on the drawing. Also, the proposed silt fencer shall extend "around" the proposed earthen berm.

7. Drainage Review Recommendation

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

Project Description

The project is for site plan approval for a previously constructed gravel parking lot located at the west side of the Cunningham House building at the southwest corner of the intersection of Old Tappan Road and Main Street. This is the third drainage review report; the last report was dated July 25, 2016. The gravel parking area is lined with Belgian block curb and is a naturally low area. There is an existing field inlet in the parking lot that is slightly higher than the low point of the parking lot, result in a ponding area in portions of the lot. Stormwater runoff flows in a southeasterly pattern across the lot.

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Continuation of Condition #7...

Project Comments

1. As per the December 3, 2015 and July 25, 2016 reports, use a curve number of 89 for gravel for proposed conditions.
2. As per the July 25, 2016 report, provide a full scale drawing of the drainage subarea map used to support the drainage sub basin used in the calculations. Verify no offsite runoff from the west will enter the system, or adjust the calculations accordingly.
3. As per the December 3, 2015 and July 25, 2016 reports, show the path of overflow stormwater runoff from the drywell. The Drainage Consultant has no objection to overflows exiting the system from the rim of the new drywell; however, it shall be demonstrated that runoff will not flow southeast to the railroad tie wall along the southern property line and will not surcharge the parking lot. For this submission, a proposed earth dike has been added along a portion of the southern property line. A detail of the dike shall be added. It is still not clear where overflows will travel. The drywells have rims at elevations of 51.67 and the field inlet in the parking lot has a rim of 51.0. Overflows as shown appear to leave the drainage system at the field inlet, in which case they would flow south and bypass the dike.
4. As per the December 3, 2015 and July 25, 2016 reports, there is an existing landscaping berm along the southern property line that prevents stormwater runoff from flowing south to the sidewalk area of the property to the south. This shall be labeled on the Site Plan.
5. As per the July 25, 2016 report, the Zero Net Calculations state six feet diameter drywells will be used (Section 2) and the calculations are for four feet deep drywells (Section 6). This discrepancy shall be corrected.
6. For this revision, a mountable macadam berm has been added at the entrance to the parking lot. More survey detail and engineering design is needed to demonstrate that this berm will not create a low point off site adjacent to the new curb and will not change the drainage pattern to divert runoff to the property to the south.

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

- As indicated in the November 2, 2016 letter from the County of Rockland Department of Highways, a Work Permit is required for this proposal prior to the commencement of any site work.
- As indicated in the February 7, 2017 letter from the Rockland County Department of Health, an application must be made for review of the stormwater management system to ensure compliance with the County Mosquito Code.

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Continuation of Condition #8...

- All existing or proposed signage shall be indicated on the Site Plan and shall conform to the municipality's sign standards.

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

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

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

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

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

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

14. 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:

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Continuation of Condition #14....

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

15. 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.

16. 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.

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

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

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

20. 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

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

Overrides

The Board made a motion to override Conditions #3, #4 and #5 of the March 2, 2017 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

Condition #3: A turnaround area must be provided for parking space #1, so that vehicles can easily maneuver out of the parking spot.

The Board held that there is sufficient existing turnaround space on site. In addition, the Board noted that this item was over rode in the Preliminary review of the project.

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

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Overrides Continued...

Condition #4: A Landscaping plan that meets all Town requirements shall be provided. The proposed earth dike shall be landscaped to provide a more visually attractive feature.

The Board held that the existing landscaping on site was sufficient. In addition, the Board noted that this item was over rode in the Preliminary review of the project.

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

Condition #5: A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

The Board held that the amount of work being done does not warrant a lighting plan and there is sufficient ambient light to illuminate the site. In addition, the Board noted that this item was over rode in the Preliminary review of the project.

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

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

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

Dated: March 22, 2017
Cheryl Coopersmith
Town of Orangetown Planning Board



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**PB #17-14: Brightview Senior Living
Sign Location Plan
Preliminary Approval
Subject to Conditions**

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

RE: Brightview Senior Living Sign Location Site Plan: The application of Shelter Development, LLC, applicant for Hegarty Homes, owner for Prepreliminary/ Preliminary/ Final Sign Location Site Plan Review at a site to be known as "**Brightview Senior Living Sign Location Site Plan**", 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 31 Hunt Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.15, Block 1, Lot 10; in the R-80 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, March 8 & 22, 2017**, at which time the Board made the following determinations:

March 8, 2017

Donald Brenner, Maria Miller, Diego Villareale and David Billow appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated March 1, 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 March 8, 2017.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., March 2, 2017.
4. A letter from Rockland County Department of Planning, from Douglas Schuetz, Action Commissioner of Planning, dated February 27, 2017.
5. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 14, 2017.

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6. A letter from the Rockland County Sewer District, signed by Joseph LaFiandra, Engineer II, dated March 1, 2017.
7. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated February 1, 2017.
8. A Short Environmental Assessment Form signed by Donald Brenner, dated undated.
9. Sign location Plans prepared by John Meyer Consulting, Inc. (JMC), dated December 9, 2015:
 - Drawing 1: Monument Sign Location Plan
 - Drawing 2: Sign Elevations
10. A copy of the Building Permit Referral, dated February 4, 2016, signed by Glen Maier, Building Inspector.
11. An Executive Summary prepared by the Applicant.

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

The applicant requested a **CONTINATION**.

March 22, 2017

Donald Brenner, Maria Miller, Diego Villareale and David Billow appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated March 15, 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 March 22, 2017.
3. Letters from Rockland County Highway Department, signed by Sonny Lin, P.E., dated March 16, 2017 and signed by Andrew Connors, P.E., dated March 22, 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 Michael Mandel and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, absent; Robert Dell, aye; Stephen Sweeney, aye; and Thomas Warren, aye.

REAFFIRMATION OF SEQRA

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

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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely John Meyer Consulting, Inc. and the Town of Orangetown's engineering consultant, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies: Rockland County Sewer District No. 1, Town of Orangetown Zoning Board of Appeals, Rockland County Health Department, Rockland County Highway Department, and having reviewed the proposed Site Plans by prepared by John Meyer Consulting, Inc. 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.

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

DECISION: In view of the foregoing and the testimony before the Board, the application was **Granted Preliminary 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 monument sign is proposed at the South West corner of Orangeburg Road and Hunt Road.
4. Provide the Setbacks for the proposed sign in a Zoning Bulk Table, such as required setbacks and proposed setbacks, allowed and proposed sign area, whether the sign will be illuminated, etc.
5. The Short Environmental Assessment Form may need to be amended by the applicant if variances and other agency approvals are required.

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6. The applicant's engineer is advised that numerous sanitary siphon lines run along the right of way of Orangeburg Road and Hunt Road in that area. All care must be taken, including had digging of the footings for the site, when the signs are constructed. A note shall be added to the plans stating same and that the contractor doing the work is to contact the Town of Orangetown Sewer Inspector to coordinate the inspections of the construction activity.

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

- A table showing the sign standards must be provided to ensure that the proposed sign conforms to the Town's sign requirements.

8. The Rockland County Department of Highway reviewed the proposed action and based upon the site plans and information submitted, the County will consider the installation of a sign for the Assisted Living Facility within the right of way of County Route 20 under the following guidelines:

1. Due to a very wide right of way adjacent to the property, the applicant shall provide a clear zone distance of 23 feet, please refer to Highway Design manual Chapter 10, 2010, as measured from the edge of the travel way, (white line). The sign will not be permitted within this distance.
2. Siting the sign may require adjustments to the landscaping plans within the County's right of way. This may include repositioning of trees/ bushes, or specifying low growth varieties or grading of area for visibility. The County Highway would need to review any revisions to the plan so mentioned above that are within the right of way.
3. The Designated Street Line along Veterans Memorial Drive shall be shown. The proposed stone pillars are oversized. Guide rail is necessary for breakaway sign post support.
4. A Rockland County Highway Department Work Permit will be required prior to the proposed development.
5. The latest signs shall conform with AASHTO and Town Standards.

9. Based on the information provided, there are no Rockland County Health Department approvals needed for this application.

10. 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.

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

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

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

- New York State Department of Environmental Conservation
- Town of Orangetown Zoning Board of Appeals
- Rockland County Department of Health
- Rockland County Department of Highways
- Rockland County Sewer District No. 1

14. 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.

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

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

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Continuation of Condition #15...

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

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

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

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

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

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

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

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

Override

The Board made a motion to override the Disapprove of the February 27, 2017 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

- It is difficult to determine, based on the map provided, if the sign is being proposed within the designated street line of Veterans Memorial Highway, a County highway. However, given the fact that the designated street line extends well beyond the pavement, it does appear that the sign is being proposed to be located within the designated street line of the county highway. As indicated in comment #14 of the July 21, 2015 site plan review, this proposed sign was not permitted within the county right of way, and had to be relocated so that it was situated completely outside of the right of way. In addition, the March 23, 2016 letter from the Rockland County Department of Highways had indicated that the proposed monument sign was being located within the Veterans Memorial Highway right of way, and that it had to be moved so that it was not within the designed street line. Before the monument sign can be approved, the sign plan must show the designed street line for the County highway, and illustrate that the sign is located outside of it.

The Board held that the Rockland County Highway Department letter of March 22, 2017 offered the applicant the consideration of the installation of a sign under guidelines, which was incorporated as Condition #8 of this Planning Board Decision.

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

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

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

Dated: March 22, 2017
Cheryl Coopersmith
Chief Clerk Boards and Commissions



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

**PB #17-14: Brightview Senior Living
Sign Location Plan
Preliminary Approval
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This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

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

**NAME OF ACTION: Brightview Senior Living Sign Location Plan:
Preliminary Approval Subject to Conditions**

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

DESCRIPTION OF ACTION: Monument Sign Review

LOCATION: The site is located at 31 Hunt Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.15, Block 1, Lot 10; 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 development. The proposed action is consistent with the Town of Orangetown's Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

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

For Further Information contact:

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

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

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