

**Meeting of November 8, 2017  
Town of Orangetown Planning Board**

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

**MEMBERS ABSENT:** None

**ALSO PRESENT:** Jane Slavin, R.A., A.I.A., Director, Department of Building, Zoning, Planning Administration and Enforcement; Robert Magrino, Deputy Town Attorney; Ann Marie Ambrose, Stenographer and Cheryl Coopersmith, Chief Clerk Boards and Commissions

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:

**Rescheduled from the July 22, 2015 Meeting:**

<b>Bracken Site Plan – Critical Environmental Area</b>	<b>PB #15-35</b>
Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review 31 Tweed Boulevard, Upper Grandview Replacement of Retaining Wall and Patio 71.09/1/43; R-22 zoning district	<b>Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.</b>

**Continued Item from the March 22, 2017 Meeting:**

<b>Karp Site Plan - Critical Environmental Area</b>	<b>PB #17-16</b>
Prepreliminary/ Preliminary Site Plan and SEQRA Review 242 Tweed Boulevard, Sparkill 75.09/1/1; R-80 zoning district	<b>Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.</b>

**New Items:**

<b>Subaru Distributors Corp. Center Expansion Site Plan</b>	<b>PB #17-57</b>
Final Site Plan Review 6 Ramland Road, Orangeburg 73.20/1/ 25; LIO zoning district	<b>Final Site Plan Approval Subject to Conditions</b>

The decisions of the October 25, 2017 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Thomas Warren and seconded by Bruce Bond and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Stephen Sweeney, aye and Thomas Warren, aye.

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 Bruce Bond and seconded by Stephen Sweeney and agreed to by all in attendance. The meeting was adjourned at 8:45 p.m. The next Planning Board meeting is scheduled for December 13, 2017.

**DATED: November 8, 2017**  
**Cheryl Coopersmith, Chief Clerk Boards and Commissions**  
**Town of Orangetown Planning Board**

*Cheryl Coopersmith*

TOWN OF ORANGETOWN  
CLERK'S OFFICE  
NOV 13 2017

**PB #15-35: Bracken Site Plan  
Preliminary Site Plan Approval and  
Tree Remediation Plan Subject to Conditions  
Critical Environmental Area/ Neg. Dec.**

**Permit #44472**

**Town of Orangetown Planning Board Decision  
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**TO: Chuck Bracken, 31 Tweed Boulevard, Upper Grandview,  
New York, 10960  
FROM: Orangetown Planning Board**

**RE: Bracken Site Plan:** The application of Charles Bracken, owner, for a Prepreliminary/ Preliminary/ Final Site Plan Review for the replacement of a retaining wall and patio, and Tree Remediation Plan, at a site known as **“Bracken Site Plan and Tree Remediation 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 31 Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 43; in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held, **Wednesday, November 8, 2017** at which time the Board made the following determinations:

Charles Bracken and Liz Bracken appeared and testified.

The Board received the following communications:

1. Project Review Committee Reports dated July 15, 2015 and November 1, 2017.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Past-Director, dated July 22, 2015 and Jane Slavin, Director, R.A., A.I.A., dated November 8, 2017.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 16, 2015 and November 2, 2017.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated July 20, 2015.
5. Letters from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated July 16, 2015 and November 1, 2017.
6. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 22, 2015 and October 18, 2017
7. Letters from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated July 20, 2015 and Joseph Arena, Senior Engineering Technician, dated October 13, 2017.
8. A letter from Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated October 31, 2017.

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2017 DEC 14 A 11:37  
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**PB #15-35: Bracken Site Plan  
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9. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFiandra, Engineer II, dated June 26, 2015.
10. A letter from the Town of Orangetown Zoning Board of Appeals signed by Dan Sullivan, dated June 17, 2015.
11. A Short Environmental Assessment Form, dated June 11, 2015, updated to October 6, 2017, signed by Charles Bracken.
12. A copy of the Building Department Referral, dated June 15, 2015, signed by Glenn Maier, Building Inspector.
13. Plans prepared by Thomas Skrable, P.E., P.P. CME, dated January 1, 2017.
  - Sheet 1 of 2: Site Plan
  - Sheet 2 of 2: Details
14. An E-mail from Terry Spaeth, abutting property owner, dated August 31, 2015, with an attachment from Alpine Nursery, dated August 3, 2015, signed by Don Gabel.
15. Specification sheet for a Spiral Staircase to connect the deck to the patio and specification sheet for a Hot tub, Sundance Spas 980 Kingston.

The hearing was then opened to the Public.

**Public Comment:**

Donald Steinmetz, 1020 Route 9W, Upper Grandview, expressed concerns regarding the impact of the development on his property, located directly below the applicant's site. He held that the plans were insufficient and did not show the existing or proposed contours, the existing building, elevations and topography. Mr. Steinmetz requested that the applicant prepare plans that could be evaluated.

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

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On motion by Michael Mandel and seconded by William Young and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; William Young, aye; Robert Dell, aye; Stephen Sweeney, aye; Michael Mandel, aye and Thomas Warren, 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 Thomas Skrable, P.E., and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District No. 1, Rockland County Department of Health, Rockland County Drainage Agency and having reviewed the Site Plan and Retaining Wall Plan, Details and Notes, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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- 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 William Young and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; William Young, aye; Robert Dell, aye; Michael Mandel, aye; Stephen Sweeney, aye and Thomas Warren, 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 applicant shall contact the Town of Orangetown Building's Department prior to any work on the project site. In addition, the following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

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3. The Site Plan shall clearly delineate the extent of the existing dwelling. The applicant shall submit an elevation from the rear of the building.
4. The hot tub and portion of the proposed circular staircase are indicated within the front yard which is not permitted and require a variance from the Town of Orangetown Zoning Board of Appeals.
5. The applicant shall submit construction details for the following:
  - a. Hot tub installation
  - b. Spiral staircase size and height
  - c. Protective railing
6. The applicant is proposing to remove all existing railroad tie walls and replace with a modular retaining wall system, which will require excavation. The Site Plan shall show the proposed extent of excavation to accommodate the correct installation of the modular wall system.
7. The Site Fence location at the East retaining wall does not seem to allow for proper space for the required extent of excavation and shall be addressed.
8. The Site Plan shall indicate any trees that are in the vicinity and may be affected due to the proposed extent of excavation and proposed protection shall be specified.
9. Drainage outlets for the new walls and their direction of flow, indicated by arrows, shall be indicated on the Site Plan.
10. Sloped areas greater than 25% shall be indicated on the Site Plan.
11. A Legend shall be added to the Site Plan.
12. The applicant has indicated intent to prune trees to maximize the view. A report from an arborist shall be submitted to the Planning Board. Trees proposed to be pruned shall be clearly marked in the field on all sides at a height of 5 to 10 feet.
13. The total amount of new impervious area shall be listed on the Site Plan.
14. The proposed site fence appears to be running through a retaining wall, this shall be corrected.
15. Due to the slopes in the area of construction, the proposed silt fence shall be reinforced with hay bales or a double row of silt fence shall be provided. A detail for same shall be provided on the Site Plan.

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16. Any area with a slope greater than 25% shall be indicated on the Site Plan.
17. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
1. The comments in the October 13, 2017 letter from the Rockland County Highway Department must be met.
  2. A review must be completed by the County of Rockland Division of Environmental Resources and any concerns addressed.
  3. Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer. In addition, to avoid massive walls, a tiered system of walls, with terraces, shall be considered. This would allow landscaping between the sets of walls, helping to break up the massive structure, and screening the walls from the riverside views.
18. Based on the information provided, the Rockland County Highway Department offered the following remarks for consideration:
- The wheel cleaning blanket indicated is only 25 feet in length and may not be significant enough to prevent mud and tracking onto the County Highway. The existing driveway shall be shown on the site plan and if possible, the cleaning blanket extended to 50 feet.
  - A Rockland County Highway Department Work Permit will be required for construction and shall be secured prior to the start of any excavation or construction on site.
19. Based on the information provided, there are no Rockland County Health Department (RCDOH) approvals needed for this application.
20. 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.

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

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

**22.** 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.

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

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

**25. TREE PROTECTION: The following note shall be placed on the site plan:**

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

- One (1) foot radius from trunk per inch DBH.
- Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:

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**Continuation of Condition #25...**

- 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.

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

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

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

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

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

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

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

33. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.

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

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

**Dated: November 8, 2017  
Town of Orangetown Planning Board**  
attachment

*Cheyl Coopersmith*

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

**PB #15-35: Bracken Site Plan –  
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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: Bracken Site Plan – Preliminary Site Plan Approval and  
Tree Remediation Plan Subject to Conditions  
- Critical Environmental Area/ Neg. Dec.**

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

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

**LOCATION:** The site is located at 31 Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 43; in the R-22 zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

Jane Slavin, R.A., A.I.A., 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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**PB #17-16: Karp Site Plan  
Critical Environmental Area  
Preliminary Site Plan Approval  
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**Permit #45503**

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**TO: Dennis Letson, P.E., 160 West Central Avenue,  
Pearl River, New York 10965  
FROM: Orangetown Planning Board**

**RE: Karp Site Plan:** The application of Peter Karp, owner for Prepreliminary/ Preliminary Site Plan Review at a site located in the Critical Environmental Area, to be known as "**Karp 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 242 Tweed Boulevard, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 75.09, Block 1, Lot 1; in the R-80 zoning district.

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

**March 22, 2017**

Dennis Letson and Peter Karp appeared and testified.

The Board received the following communications:

1. A 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. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 16, 2017.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, dated March 20, 2017.
5. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated March 20, 2017.
6. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated March 22, 2017.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 22, 2017.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated March 9, 2017.

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9. A Building Permit Referral signed by Building Inspector Rick Oliver dated January 27, 2017.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated March 1, 2017.
11. A Short Environmental Assessment Form signed by Dennis Letson, P.E., dated May 27, 2016 and February 17, 2017.
12. Plans prepared by Dennis Letson, P.E., June 15, 2016:
  - o Drawing 1: Preliminary Site Plan, revised December 9, 2016
  - o Drawing 2: Preliminary Grading Plan & Slope Map, revised December 9, 2016
  - o Drawing 3: Preliminary Erosion & Sediment Control Plan & Details
  - o Drawing 4: Preliminary Erosion & Sediment Control Plans & Details
13. A Hydraulic Analysis and Stormwater Management Design for 242 Tweed Boulevard, Upper Grandview, New York, prepared by Dennis M. Letson, PE & Associates Consulting Engineer, dated May 22, 2016.
14. Submitted at the meeting by the applicant, "Reply to Review Comments", signed by Dennis M. Letson. P.E.
15. Submitted at the meeting by the applicant, Architectural Plans prepared by Michael Esmay, Architect, entitled "Proposed New Residence for Peter & Mark Karp, 242 Tweed Boulevard", dated September 17, 2016:
  - Sheet 1: First Level Plan
  - Sheet 2: Second Level Plan
  - Sheet 3: Third Level Plan
  - Sheet 4: Fourth Level Plan
  - Sheet 5: South Elevation
  - Sheet 6: North Elevation
  - Sheet 7: East Elevation

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

The applicant requested a **CONTINUATION**.

**November 8, 2017**

Dennis Letson and Peter Karp appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated November 1, 2017.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated November 8, 2017.

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**PB #17-16: Karp Site Plan  
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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., dated November 2, 2017.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated November 7, 2017.
5. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated November 1, 2017.
6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Senior Engineering Technician, dated October 24, 2017.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 18, 2017.
8. A revised Short Environmental Assessment Form signed by Dennis Letson, P.E., dated May 27, 2016, revised September 23, 2017.
9. Reply to Review comments, prepared by Dennis Letson, P.E.
10. Hydraulic Analysis and Stormwater Management Design for 242 Tweed Boulevard, Upper Grandview, New York, revised September 20, 2017, prepared by Dennis Letson, P.E.
11. Plans prepared by Dennis Letson, P.E., June 15, 2016:
  - Drawing 1: Preliminary Site Plan, revised September 28, 2017
  - Drawing 2: Preliminary Grading Plan & Slope Map, revised September 28, 2017
  - Drawing 3: Preliminary Erosion & Sediment Control Plan & Details
  - Drawing 4: Preliminary Erosion & Sediment Control Plans & Details revised September 28, 2017
12. Architectural Plans prepared by Michael Esmay, Architect, entitled "Proposed New Residence for Peter & Mark Karp, 242 Tweed Boulevard", dated September 17, 2016:
  - Sheet 1: First Level Plan
  - Sheet 2: Second Level Plan
  - Sheet 3: Third Level Plan
  - Sheet 4: Fourth Level Plan
  - Sheet 5: South Elevation
  - Sheet 6: North Elevation
  - Sheet 7: East Elevation

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**PB #17-16: Karp Site Plan  
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Preliminary Site Plan Approval  
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The Board reviewed the plans. The hearing was then opened to the Public.

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

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

On motion by Thomas Warren and seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye; Stephen Sweeney, aye and Michael Mandel, 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 Dennis Letson, P.E and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Sewer District No.1, Rockland County Department of Highways, and having reviewed a proposed Site Plan by prepared by Dennis Letson, P.E., 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 Bruce Bond, Vice Chairman, and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye; and Stephen Sweeney, aye; the Board made a Negative Declaration pursuant to SEQRA.

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

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

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

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

- The **minimum lot area** required is 80,000 square feet and the net area is 19,152 square feet.
- The **minimum front yard** required is 50 feet and 22.86 feet to the main dwelling is proposed.
- The garage is considered an accessory structure which is not permitted to be located in the front yards. The proposed **front yard setback** to the garage is 10 feet
- The **minimum side yard** setback required is 30 feet and 5 feet is proposed for the garage.
- The **maximum building height allowed for the garage** is 3 feet 3 inches and 14 feet is proposed.
- The **maximum building height allowed for the house** is 15 feet 3 inches and 30 feet is proposed.

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4. The maximum driveway slope is 10% and 12.91% is proposed, and 3% grade is required for at least the first 30 feet and 5% is proposed. The driveway shall be redesigned to meet these standards.
5. An approval from the Rockland County Department of Health for the Septic Disposal System and the Well shall be submitted to the Planning Board.
6. A Rockland County Highway permit is required for the driveway entrance onto Tweed Boulevard.
7. The Short Environmental Assessment Form appears to be in order.
8. The applicant is reminded that they are required to submit a full and complete Site Plan for review and approval.
9. The application shall be reviewed by the Town of Orangetown Architecture and Community appearance Board of Review.
10. The revised drainage calculations are currently under review. However, because the Perc Rate is assumed and most of the site has rock outcropping, especially in the areas where the proposed drywells are to be placed, a field Perc Test shall be administered **prior to receiving final approval for the Site Plan**, to ensure adequacy of designed drainage system. The applicant's engineer shall provide a copy of the field Perc Test to DEME and the Building Department.
11. The applicant is reminded that the sanitary septic system for the lot must be reviewed and approved by the Rockland County Health Department. Copies of this approval shall be supplied to the Planning Board and DEME prior to signing the final map. The applicant's engineer's response letter to the DEME comments All copies of calculations made to arrive at said determination (size of backup generator, capacity of pump chamber, total days storage volume, etc.) shall be provide with the engineer's narrative.
12. The applicant is reminded that the maximum driveway slope is 10%. It is suggested for safety reasons, that the slope of the driveway shall be reduced to 3% at the intersection with Tweed Boulevard.
13. Due to the site conditions; rock outcropping and the severe slope, additional soil erosion control measures shall be depicted on the erosion and sediment control plan.

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14. The Planning Board's Drainage Consultant has reviewed the plans and information provided and found that the existing drainage pattern is being maintained and drywells have been provided to mitigate against increased in stormwater runoff rates. Potential significant adverse impacts with respect to stormwater runoff can be mitigated and therefore recommends that the Karp Site Plan be approved for drainage subject to the following conditions:

This is the second drainage review report to the Planning Board for this Site Plan; the last review was dated March 20, 2017. The property is located on the West side of Tweed Boulevard and the project consists of the construction of a new single family residence with a detached garage. The land slopes downhill to the East, with numerous rocks and rock outcroppings visible on the site. There is an existing path traversing uphill in a Southwesterly direction from Tweed Boulevard that will be used for the new driveway.

The existing drainage pattern is being maintained. Approximately 3,572 square feet of new impervious area is being added. Stormwater mitigation is provided in the form of drywells.

**Project Comments**

1. Show the cross slope of the driveway on the Driveway Detail. Label the width of the driveway.
2. An infiltration trench has been on the East side of the driveway to receive runoff from the driveway that is downhill of the drywell system. Maintenance requirements shall be added for the infiltration trench. The trench shall be at a slightly lower elevation than the edge of pavement. Add an underdrain in the infiltration trench and tie it into a drywell closer to the bottom of the driveway to ensure that this area will receive long term stormwater mitigation.
3. The relocated septic field is proposed in a steep slope area; a retaining wall might be needed to create a flat plateau area. This can be coordinated with the Rockland County Health Department during their approval process.
4. The drainage calculations show an effective depth of the drywell of six feet. The effective depth shall be measured from the invert of the drywell to the invert of the overflow pipe. The drywell as shown on the detail has a depth of six feet, but the overflow pipe is below the rim of the drywell and this reduces the effective depth. The drywell details shall show 12 inches of stone below the drywells to be consistent with the calculations.
5. The drainage calculations assume a conservative percolation rate of 1" in 60 minutes. This shall be field verified prior to Final Planning Board Site Plan approval.

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

- An updated review must be completed by the county of Rockland Department of Highways and all required permits obtained. The comments in its March 22, 2017 letter must be addressed.
- The Village of Piermont is one of the reasons this proposal was referred to the Rockland County Department of Planning for review. The municipal boundary is approximately 140 feet east of the property line of the site. As required under Section 239nn of the State General Municipal Law, the Village of Piermont must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Orangetown.
- As indicated in the October 8, 2017 letter from the Rockland County Department of Health, approval will be required for the subsurface disposal system.
- Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in peak rate of discharge from the site at all design points.

**16.** The Rockland County Highway Department reviewed the Site Plan and and information provided and offered the following remarks

- The Site Plan shall clearly indicate the existing right of way and the designated street line along Tweed Boulevard on all of the drawings.
- The Rockland County Highway Department concurs with the Town of Orangetown Drainage Consultant's analysis regarding stormwater mitigation at the driveway entrance.
- The Rockland County Highway Department requires a maximum driveway slope no greater than 3% for the first 50 feet back from the existing edge of pavement or County right of way. The plans must be adjusted to reflect this standard.
- This section of Tweed Boulevard is extremely narrow. Any construction vehicles parked along the roadway or placement of materials along the roadway during construction may create a hazardous obstruction and shall be prohibited. The applicant shall offer comment regarding onsite parking during construction, staging of vehicles and providing temporary traffic control and emergency access during construction, particularly when concrete is poured.

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**Continuation of Condition #16...**

- The soil and erosion control plan shall indicate the location for storage of materials and parking area for construction vehicles. There shall be no storage of materials or equipment within the right of way.
- A copy of the drainage study prepared for this project shall be forwarded to Rockland County Highway Department for additional review.
- A Work Permit from Rockland County Highway Department will be required and must be secured prior to the start of any excavation or construction on the site.
- Separate additional Road Opening Permits will be required for any utility connections that require disruption to the paved surface within Tweed Boulevard.

**17.** The Rockland County Department of Health (RCDOH), Environmental Health Program reviewed the Site Plan and found that Rockland County Health Department approval will be needed for the subsurface disposal system.

**18.** Rockland County Sewer District 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.

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

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

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

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

**22. 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 #22...**

- 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 truck 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.

**23. 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.**

**24. 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.**

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

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

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

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

**29.** 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).

**30.** 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.

**31.** All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.

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

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

**Dated: November 8, 2017  
Cheryl Coopersmith  
Chief Clerk, Boards and Commissions  
Town of Orangetown Planning Board**  
attachment

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

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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: Karp Site Plan: 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 – Critical Environmental Area**  
**LOCATION:** The site is located at 242 Tweed Boulevard, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 75.09, Block 1, Lot 1; 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:

Jane Slavin, R.A., A.I.A., Director, Office of Building, Zoning and Planning  
Administration and Enforcement  
Town of Orangetown  
20 Greenbush Road  
Orangeburg, NY 10962  
Telephone Number: 845-359-5100

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

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

**RE: Subaru Distributors Corp. Center Expansion Site Plan:** The application of Subaru Distributors Corp. owner for Final Site Plan Review at a site to be known as “**Subaru Distribution Center Expansion 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. The site is located at 6 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 25 in the LIO zoning district.

Rehearing of the Planning Board of the Town of Orangetown at a meeting held **Wednesday, November 8, 2017** the Board made the following determinations:

Donald Brenner and Diego Villareale appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated November 1, 2017.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated November 8, 2017.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., November 2, 2017.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated November 7, 2017.
5. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 30, 2017.
6. Board Decisions: ACABOR #17-35, Correction to Color of Roof, dated October 5, 2017 and ACABOR #17-35, dated September 7, 2017, Approved Subject to Condition; ZBA #17-29, Variances for Enclosed Loading Berths and Building Height Approved, dated April 19, 2017/June 21, 2017 and PB #17-15 (B) and #17-15, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated April 12, 2017.
7. A Stormwater Pollution Prevention Plan, dated October 18, 2017, prepared by JMC Site Development Consultants.

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8. Plans entitled Subaru Distribution Center Plans, prepared by JMC Site Development Consultants, dated February 13, 2017, last revision date of October 18, 2017:

- SP-1: Cover Sheet
- SP-2: Site Existing Conditions Map
- SP-3: Site Demolition Plan
- SP-4: Site Layout Plan
- SP-5: Site Grading Plan
- SP-6: Site Utilities Plan
- SP-6A: Site Utility Profiles
- SP-7: Site Erosion and Sediment Control Plan
- SP-8: Site Landscaping Plan
- SP-9: Site Lighting Plan
- SP-10: Site Truck Turning Analysis
- SP-11: Site Details
- SP-12: Site Details
- SP-13: Site Details
- SP-14: Site Details
- SP-15: Site Details
- SP-16: Site Details
- SP-17: Site Details
- SP-18: Site Details

9. Architectural Plans prepared by Bilow Garret Group, dated December 20, 2016, last revision date of May 24, 2017:

- SK-100: Part Ground Floor Plan
- SK-101: Mezzanine Plans
- SK-200: Part Building Elevations

10. A letter from Bowitch & Coffey, LLC, signed by Gary Bowitch, dated November 1, 2017.

11. A letter from Subaru Distributors Corp., signed by Dain Charles London, General Counsel, dated November 8, 2017, with an attachment of the Town of Orangetown Zoning Board of Appeals ZBA#17-29, dated April 19, 2017/June 21, 2017.

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

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**Public Comment:**

Steven DeSalvio, 262 Trenton Place; noted that he has filed an Article 78 against the Town regarding this site. He held that "warehouse" is not a permitted use in the LIO zone. Mr. DeSalvio discussed the uses of the site, the zoning code and held that existing parking on site was sufficient and additional parking in the rear of the site should be eliminated.

Laura DeSavio, 262 Trenton Place; expressed concerns regarding parking on the site. She discussed the windows on the rear of the proposed addition and the ACABOR decision. Mrs. DeSavio requested that the windows on the rear elevation should be removed.

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

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

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

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4. The following changes shall be made to the Short Environmental Assessment Form:

- Item #9 was answered "No". Please be advised all new construction shall meet the New York State 2016 Energy code, therefore, Item #9 shall be answered "Yes".
- Item #13, a and b, shall be answered "Yes" and the alterations to the wetland shall be included in the answer.

5. The applicant still needs to comply with PB #17-15b, conditions 20, 21, 22, 23, 25 and 27:

#20. A full SWPPP, including drainage calculations, shall be prepared for this site plan and submitted to DEME for review and Approval. The SWPPP shall clearly describe how the proposed stormwater design meets the requirements for green infrastructure/ new construction and redevelopment. The SWPPP shall also describe in great detail the maintenance requirements and procedures for the proposed underground stormwater sand filter (i.e. how will the sand filter be cleaned, how will "spent" sand be removed and added back into the filter, etc.) and detention system, as well as for the stormwater planters. These written procedures shall be made part of the post construction stormwater maintenance agreement in tandem with the inspection checklist.

#21. Test pits, soil borings and ground water elevations shall be performed/ taken in all proposed stormwater facility locations.

#22. Descriptions, dimensions, sizing calculations, material specifications, installation details, staged discharge and inflow and outflow hydrographs for all proposed stormwater treatment. Quantity control devices shall be included in the SWPPP.

#23. The area of disturbance, listed on drawing SP-7, shall be given in acres as well. The applicant's engineer is advised that no more than 5 acres of disturbance can occur at any one time without special permit and additional SWPPP requirements, (for example, a minimum of 2 SWPPP inspections a week, in addition to the required additional inspections after storms.)

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**Continuation of Condition #5....**

#25. A more details plan (blow –up view) and profile of the proposed underground detention system shall be added to the drawings clearly showing where the access/ maintenance manholes shall be located and how exactly the system shall be maintained/ cleaned.

#27. 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.

#30. Profiles for all the proposed drainage facilities shall be added to the drawings.

6. On drawing SP-6, drainage manhole DIV SMH 5 lists inverts for two 24 inch lines and one 30 inch line. However, the line sizes shown entering and leaving that manhole are 15, 24 and 30 inch in diameter. This shall be corrected.

7. It is unclear from the drawings as to whether the roof leaders from the proposed new building are to be tied into the proposed stormwater system. This shall be clearly indicated on drawing SP-6.

8. The drawings and SWPPP shall explain from where and what flow the proposed 15 inch HDPE pipe, shown exiting the west side of the existing building, is carrying. Also, a profile for this line shall be added to the drawings.

9. It appears as though some of the new drainage improvements are not being connected to the proposed stormwater detention system, i.e. slotted drainage system along the Western property line, 15 inch line coming from the existing building. The engineer shall fully explain in the SWPPP the reasons these lines are not being connected to the detention system.

10. The detail for the proposed sand filter system calls for 30 inch diameter manhole openings typical. However, drawing SP-6 labels them as cleanouts. Drawing SP-6 shall be revised to identify the openings as 30 inch diameter manhole openings.

11. The words "in" or "out" shall be added to all inverts listed for all drainage structures; manholes, catch basins, etc.

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12. A detail for the proposed slotted drain shall be added to the drawings.
13. The proposed cleanouts along the 6 inch underdrain, in the area of the porous pavement and the cleanouts depicted over the proposed ADS detention systems shall be changed to manholes for ease of access and maintenance.
14. The hatch mark and the material or covering it represents, shown in the area of the storm water planters, shall be added to the Legend on drawing SP-4.
15. The proposed sanitary building connection is proposed to be 8 inches in diameter. The standard sanitary building connection is 6 inch diameter. The applicant's engineer shall explain in writing why an 8 inch pipe is needed and being proposed. This explanation shall include sanitary calculations.
16. IF an 8 inch sanitary building connection is required, a doghouse manhole shall be shown as the connection to the Town of Orangetown's existing main and all cleanouts shall be changed to sanitary manholes. Details for same shall be added to the Site Plans.
17. The invert elevations for the proposed sanitary building connection shall be given on the drawings, including the invert at the sanitary main. Also, a cleanout shall be depicted at the property line along Ramland Road. Lastly, the reference to Rockland County shall be removed from the note at the leader pointing to the proposed sanitary building connection.
18. The drawing details contain various types of manholes (A, B, D); however, the utility plan (drawing SP-6) does not specify which manhole is which. The utility plans shall be revised to call out the different types of manholes being proposed.
19. A note shall be added to the drawings indicating the source benchmark for the referenced datum, including the BM elevation.
20. **Drainage Review Recommendation:** The supplemental information provided for the application includes designs for stormwater management and demonstrates potential significant impacts with respect to drainage and stormwater runoff can be mitigated and the Drainage Consultant to the Planning Board, Brooker Engineering, recommends that the Subaru Distribution Center Site Plan be approved for drainage subject to the following comments.

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The property is located along the north side of Ramland Road. There is an existing building and parking lot on the site. The proposed addition is 131,376 Square Feet and is located on the north side of the existing building. The parking lot on the west side of the building is to be expanded, a new access drive is proposed on the north side of the building. The parking area on the east side of the building has been removed for this submission and the parking area on the north side of the building has been shifted closer to the building, which increases the buffer area to the north and reduces the proposed pavement in this area. The expansion areas are located in mostly wooded areas. The land slopes downhill to the southwest and is stormwater runoff is collected via a drainage system and discharged to a swale at the southwest corner of the site. The swale discharges to a flared end section on the north side of Ramland Road and the stormwater runoff continues flowing in a southerly direction.

An underground stormwater detention system is proposed on the west side of the property; this discharges to the swale at the southwest corner of the site. A sand filter and stormwater planters are proposed for water quality and runoff reduction. The detention system consists of 3,885 linear feet of 60" diameter pipe, which provides storage of four inches of rainfall runoff over the on-site drainage areas that contribute to the detention system.

**Review of Additional Information**

The Stormwater Pollution Prevention Plan includes detailed information regarding providing post construction runoff reduction measures, and post construction stormwater water quality and quantity mitigation. The report shows a reasonable amount of stormwater detention has been provided to address post construction increases in stormwater peak runoff rates by achieving a 10% net reduction in peak discharges. Additional comments of the stormwater management plan may be generated by the Planning Board's Consultant as per submissions of revised drainage calculations by the applicant's engineer.

**Project Comments**

1. Calculations for stage versus storage of the detention system shall be included in the proposed conditions narrative of the drainage report.
2. The porous pavement sub drainage area divides on the Drainage Area Map DA-2 shall be added to the Site Plans. The label for "proposed porous pavement" on the new building roof shall be verified.

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3. The footing drain for the new building shall be added to the Site Plan. The footing drain for the new building appears to penetrate the groundwater table for a portion of the building footprint along the north side. The effect on the groundwater table along the northeast corner of the building, where bedrock was encountered, is not clear. The drainage report shall quantify the increases to baseflows that will be added to the drainage system by intercepting the groundwater table and the capacity of the receiving system.

4. Groundwater elevations in the area of the underground stormwater management system shall be verified. The closest test pit is B-4, which is east of the system and had a groundwater elevation of 86.8. The proposed section (Detail 23 on Page SP-15) has an underdrain at elevation 79.0. The drainage report shall quantify the increases to baseflows that will be added to the drainage system by intercepting the groundwater table and the capacity of the receiving system. The underdrain shall be shown on the Site Plan.

5. Show how the roof drainage will be accommodated. Show how the existing roof leaders on the north building face will be addressed when they are removed in order to construct the building addition.

6. The 21 inch orifice on OCS-3 Outlet Control Structure Detail shall be verified.

7. Lake Ma-Tov is referenced in the conclusion section of the SWPPP as the Point of Interest; this shall be shown on the Vicinity Map.

**21.** The Town of Orangetown Bureau of Fire Prevention had the following comments which are incorporated herein as conditions of approval. Place the following comments on the Site Plan as "Notes."

- Install an NFPA 13 compliant sprinkler system designed to protect the commodity that is stored in the warehouse; with a design submitted to the Fire Prevention Office with cut sheets for approval before the Sprinkler works begins. Inspected annually as per NFPA 25.
- Install or expand the existing Fire Alarm system to NFPA 72, Connected to Rockland county 44-Control with Amber & Red Strobes as per Orangetown code, with plans and cut sheets provided to the Bureau of Fire Prevention Office for approval before work begins. Inspected quarterly and inspection reports sent to the Bureau of Fire Prevention Office quarterly.
- Install and maintain Portable Fire Extinguishers as required by NFPA 10.
- Install Emergency Lighting as per NEC, Tested monthly with annual 90 test.
- Apply for and maintain Certificate of Compliance Fire Safety with the Bureau of Fire Prevention.
- Provide Key Box, if required.

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

- Application is to be made to the RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.
- Connection of the 8" sewer lateral into the existing 8" sanitary sewer main on Ramland Road shall be made with a doghouse manhole, not a tee-wye.

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

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

**25.** 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.

**26. 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:

- One (1) foot radius from trunk per inch DBH.
- Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
  - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.

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- Light Impacts Only – Installation of  $\frac{3}{4}$  inch of plywood or boards, or equal over the area to be protected.

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

**27.** 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.

**28.** 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.

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

**30.** 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).

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

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**32.** 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

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

**34.** All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.

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

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

**Dated: November 8, 2017  
Town of Orangetown Planning Board**

*Cheryl Coopersmith*

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