

**Meeting of May 22, 2019
Town of Orangetown Planning Board**

MEMBERS PRESENT: Thomas Warren, Chairman
William Young, Vice-Chairman
Michael Mandel
Mike McCrory
Robert Dell
Bruce Bond

MEMBERS ABSENT: Stephen Sweeney and Blythe Yost

ALSO PRESENT: Jane Slavin, Director, Office of Building, Zoning, Planning Administration and Enforcement; Rick Pakola, Deputy Town Attorney; Ann Marie Ambrose, Stenographer and Cheryl Coopersmith, Chief Clerk Boards and Commissions

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

Griffin Site Plan Performance Bond PB #19-29
Recommendation to the Town Board to Release the Performance Bond
27 Sunrise Lane, Pearl River
69.18/3/43.2; R-15 zoning district
Postponed by Applicant

Fleck Plans Third Floor Addition Plans Final Site Plan PB #19-30
Critical Environmental Area
Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review
31 Shadyside Avenue, Upper Grandview
71.05/1/36; R-22 zoning district
Approval Subject to Conditions Neg. Dec.

Fitzsimons Subdivision Plan PB #19-31
Prepreliminary/ Preliminary/ Final Subdivision Plan and SEQRA Review
315 Blauvelt Road, Pearl River
69.09/5/75; R-15 zoning district
Continued: Needs Drainage

Bracken Site Plan PB #19-32
Critical Environmental Area
Final Site Plan Review
31 Tweed Boulevard, Upper Grandview
71.09/1/43; R-22 zoning district
Final Site Plan Approval Subject to Conditions Reaffirmation of SEQRA

361 Blauvelt Road Tree Remediation Plan PB #19-33
Prepreliminary/ Preliminary/ Final Tree Remediation Plan and SEQRA Review
361 Blauvelt Road, Blauvelt
69.16/2/33; R-15 zoning district
Continued: Report to be submitted

TOWN OF ORANGETOWN
2019 JUN 14 A 11:50
TOWN CLERK'S OFFICE

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Loretta Jara Subdivision Plan
Tappan Historic District
Prepreliminary/ Preliminary/
Final Subdivision Plan
and SEQRA Review
52 Oak Tree Road, Tappan
77.11/3/55; R-15 zoning district

PB #19-34
Preliminary Subdivision
Approval Subject to
Conditions
Neg. Dec.

The Club West at Pearl River
Phase II Site Plan
Prepreliminary/Preliminary Site Plan
and SEQRA Review
661 West Blue Hill Road, Pearl River
73.10/1/5; OP-PAC zoning district

PB #19-26
Preliminary Site Plan
Approval Subject
to Conditions
Neg. Dec.

Other Business: The Board reviewed information provided by the Director of OBZPAE regarding the **Skae Site Plan, 76.08-1-4, 337-339 Blaisdell Road, Orangeburg**. The application was granted Preliminary Site Plan Approval Subject to Conditions on September 12, 2018, PB#18-35, plans dated March 21, 2017. One of the Planning Board conditions was obtaining a zoning variance from the Zoning Board of Appeals. The applicant submitted an application with plans, dated April 24, 2019 to the ZBA, however, the plan layout and macadam driveway were different than those reviewed by the Planning Board. The Board advised that the applicant should reappear at the Planning Board for the alternative site plan prior to applying for the zoning variance.

The decisions of the May 8, 2019 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel and second William Young by and carried as follows: Thomas Warren - Chairman, aye; William Young - Vice Chairman, aye; Bruce Bond, abstain; Michael Mandel, aye; Blythe Yost, absent; Robert Dell, aye; Stephen Sweeney, absent and Mike McCrory, aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Bruce Bond and seconded by Michael Mandel and agreed to by all in attendance. The meeting was adjourned at 10:50 p.m. The next Planning Board meeting is scheduled for June 12, 2019.

DATED: May 22, 2019

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



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**PB #19-30: Fleck Site Plan-Third Floor Addition
Critical Environmental Area
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #48663

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**TO: Kier Levesque, 49 Third Avenue, Nyack, New York 10960
FROM: Orangetown Planning Board**

RE: Fleck Site Plan: The application of Kier Levesque, applicant, for Allison and William Fleck, owners, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site to be known as **"Fleck Site Plan – Third Floor Addition"**, located in the Critical Environmental Area, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 31 Shadyside Avenue, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lot 36; in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **May 22, 2019** at which time the Board made the following determinations:

Kier Levesque appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated May 15, 2019.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated May 21, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 21, 2019.
4. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated May 20, 2019.
5. A letter from Rockland County Department of Health, signed by Elizabeth Mello, P.E., dated May 17, 2019.
6. A letter from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated April 24, 2019.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated April 23, 2019.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated May 1, 2019.

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9. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Safety Inspector dated May 10, 2019.
10. A letter from the New York State Department of Transportation, signed by Barbara Knisell, Assistant Engineer, dated May 6, 2019.
11. Architectural Plans prepared by Kier Levesque, R.A., March 13, 2019:
 - A-1: Floor Plans
 - A-2: Elevations
12. Site Plan of Proposed Addition prepared by Robert Sorace, PLS, dated December 17, 2018, revised March 27, 2019.
13. Plot Plan prepared by Paul Gdanski, PE, PLLC, dated April 9, 2019.
14. A Short Environmental Assessment Form signed by Kier Levesque, dated April 9, 2019.
15. Building Permit Referral to the Planning Board dated March 14, 2019 prepared by Rick Oliver, Building Inspector.
16. A Project Narrative.

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

Public Comment:

Allison Fleck the owner of the property; 31 Shadyside Avenue, Upper Grandview; noted that the property behind her house is in foreclosure and that the house is unoccupied.

There being no one else 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: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Blythe Yost, absent; Robert Dell, aye; Bruce Bond, aye; Stephen Sweeney, absent, and Michael McCrory, 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 second by Michael Mandel and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Blythe Yost, absent; Robert Dell, aye; Bruce Bond, aye; Stephen Sweeney, absent, and Mike McCrory, 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.

TOWN OF ORANGETOWN
JUN 14 11:50 AM '19

**PB #19-30: Fleck Site Plan-Third Floor Addition
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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's consultant Kier Levesque, R.A., having heard from the following offices, officials and/or Departments: (Town of Orangetown): Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Highway, Rockland County Department of Health, Rockland County Sewer District #1, New York State Department of Transportation, and having reviewed the drawings presented by the applicant's professional consultant; Kier Levesque, R.A., 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 Bruce Bond and second by Michael Mandel and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Blythe Yost, absent; Robert Dell, aye; Stephen Sweeney, aye, Bruce Bond, aye; and Mike McCrory, 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 **Final Site Plan Approval Subject to the Following Conditions:**

1. The applicant shall obtain a variance from the Town of Orangetown Zoning Board of Appeals for the Floor Area Ratio.
2. The application shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
3. The vicinity map shall be oriented in the same direction as the Site Plan drawing. A North arrow shall be shown on the Plot Plan.
4. The Bulk Table shall be corrected to note that a height variance is not required.
5. 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."
6. 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.
7. 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.
8. The application is for an addition of a third floor to an existing single family dwelling, no land disturbance is proposed. The lot is in an average density zoning granted in 1971 as part of the Bishop Subdivision.

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9. The drawing shall note if there is any increase in impervious, due to the proposed addition.
10. The ownership of the existing 5 foot wide sewer easement shall be given on the plans. Also, the metes and bounds of the easement through the property, as well as the type of sewer easement, sanitary or storm shall also be listed on the plan.
11. The location of the existing sanitary house connection or septic field shall be shown on the plans.
12. If any variances are needed to implement the proposed site plan, the Rockland County Department of Planning requests the opportunity to review the proposed variances, as required by New York State General Municipal Law, Section 239-m(3)(v).
13. 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.
14. The Town of Orangetown Bureau of Fire Prevention had the following comments which are incorporated herein as conditions of approval.
- New York State Building Codes requires an NFPA 13 Compliant Sprinkler System for a residence 3 story above grade. The water flow from the sprinkler alarm must sound an alarm that can be heard in the entire residence. It does not have to transmit to Rockland county 44-Control.
15. The New York State Department of Transportation (NYSDOT) has reviewed the submitted information and found that there appears to be no impact to the State Highway system. However, it is important that the NYSDOT be kept informed of all project updates/ revisions through the SEQRA process to approval.
16. 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 #1
 - Rockland County Highway Department
 - New York State Department of Transportation

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17. 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.

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

19. 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.

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.

d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

- One (1) foot radius from trunk per inch DBH
- Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

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

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21. 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.

22. 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.

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

24. 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).

25. 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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26. 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

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

The foregoing Resolution was made and moved by Bruce Bond and second by Michael Mandel and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Blythe Yost, absent; Bruce Bond, aye; Robert Dell, aye; Stephen Sweeney, absent, and Mike McCrory, 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: May 22, 2019

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

Attachment



TOWN OF ORANGETOWN
2019 JUN 14 A 11:50
TOWN CLERK'S OFFICE

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

**PB #19-30: Fleck Site Plan-Third Floor Addition
Critical Environmental Area
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

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

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

NAME OF ACTION: Fleck Plans Third Floor Addition Plans - Critical Environmental Area; Neg. Dec.

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

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 31 Shadyside Avenue, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lot 36; in the R-22 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

TOWN CLERK'S OFFICE

MAY 22 11:50 AM
TOWN OF ORANGETOWN

**PB #19-32: Bracken Site Plan
Final 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 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. 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, May 22, 2019** at which time the Board made the following determinations:

Charles Bracken, Steven Silverberg, Sarah Cafran, and Angela Loffa appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated May 15, 2019.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, Director, R.A., A.I.A., dated May 17, 2019.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 21, 2019.
4. A letter from Maser Consulting, signed by Jesse Cokeley, P.E., dated May 14, 2019.
5. Letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated May 20, 2019.
6. Letter from the Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated May 17, 2019.
7. A letter from the Rockland County Department of Highways, signed by Dyan Rajasingham, Engineer II, dated April 29, 2019.

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**PB #19-32: Bracken Site Plan
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8. A letter from Silverberg Zalantis, signed by Steven M. Silverberg, dated April 8, 2019, with the following attachments:
- A letter from Arbor Hill Garden Center, signed by Edwin Ewald, Certified Arborist, dated March 18, 2019.
 - Specification for a Sundance Spas 980 Kingston Hot Tub; B & B Pool and Spa Center; specifications for a 6" concrete slab with wire mesh or rebar.
 - Specifications for the Circular Staircase, Protective railing and Privacy Screening.
9. A copy of the following Board Decisions: ZBA #19-08, Front Yard Variance and Accessory Structure in a Front Yard Variances Approved, dated January 16, 2019 and PB#15-35, Preliminary Site Plan Approval and Tree Remediation Plan Approval Subject to Conditions, dated November 8, 2017.
10. A copy of the Building Department Referral, dated June 15, 2015, signed by Glenn Maier, Building Inspector.
11. A Site Plan prepared by Thomas Skrable, P.E., P.P. CME, dated January 5, 2017, last revision date of March 11, 2019.
12. Landscaping Plan prepared by Dan Sherman, RLA, dated March 6, 2019

The hearing was then opened to the Public.

Public Comment:

Donald Steinmetz, 1020 Route 9W, Upper Grandview, raised concerns regarding the impact to his property if the hot tub chlorinated water spilled out onto the soil and where the water would drain. He questioned the structural integrity of the foundation wall

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

Reaffirmation

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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**PB #19-32: Bracken Site Plan
Final Site Plan Approval and
Tree Remediation Plan Subject to Conditions
Critical Environmental Area/ Neg. Dec.**

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

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

TOWN OF ORANGETOWN
2019 JUN 14 A 11:50
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**PB #19-32: Bracken Site Plan
Final Site Plan Approval and
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- Will not have an impairment of the character or quality of important historical, archeological or architectural resources; -Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

On motion by Michael Mandel and seconded by Bruce Bond and carried as follows Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Bruce Bond, aye; Michael Mandel, aye; Blythe Yost, absent; Robert Dell, aye; Stephen Sweeney, absent, and Mike McCrory, 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 **Final 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. 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.
4. The lighting in the vicinity of the hot tub, as well as on the hot tub shall be kept to a minimum.
5. The applicant shall submit construction details for the following:
 - Hot tub installation
 - Spiral staircase size and height
 - 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. Plans need to show proposed extent of excavation to accommodate the correct installation of the modular wall system. The applicant shall submit full engineered drawings by a Structural Engineer.
7. The silt fence located at the east retaining wall does not seem to allow for proper space for the required extent of excavation and shall be addressed.
8. Drainage outlets for the new walls and direction of flow, indicated by arrows, shall be indicated on the plan.
9. The applicant has indicated intent to prune trees to maximize the view. A report from an arborist shall be submitted. Trees proposed to be prune shall be clearly marked in the field on all sides at a height of 5 to 10 feet.
10. No work shall begin until the Building Permit is issued.
11. **Drainage Review Recommendation – Maser Consulting**
The proposed improvements should have a de minimus impact and therefore the proposed stormwater management plan meets the intent of the regulations, as such, the Drainage Consultant, Maser Consulting recommends that the Bracken Site Plan be approved for drainage. Note that upon submission of revised documents, if any, further stormwater review and comment may be provided.
 1. The plan provided notes an increase in impervious area of 48 square feet, which the Drainage Consult considers to be de minimus.

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Continuation of Condition #11...

2. The conditions of Preliminary Site Plan Approval from the November 8, 2017 Resolution was reviewed, and below is a status of where each drainage related item currently stands. **The conditions are numbered as they are in the Resolution with its status following in bold:**

#9. Drainage outlets for the new walls and their direction of flow, indicated by arrows, shall be indicated on the Site Plan. **The wall drain outlet location and direction of flow is shown on the Site Plan.**

#10. Sloped areas greater than 25% shall be indicated on the Site Plan. **These areas are indicated on the Site Plan.**

#13. The total amount of new impervious area shall be indicated on the Site Plan. **The total amount of new impervious area is shown on the Site Plan.**

#14. The proposed silt fence appears to be running through a retaining wall, this shall be corrected. **A portion of the silt fence still appears to be running through a retaining wall under the deck. The plans shall be clarified.**

#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. **A double row of silt fence is shown on the Site Plan and a silt fence detail is provided.**

#17-3. Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed NYS Professional Engineer. **A note is included on the Site Plan for walls over four feet in height to be certified by a licensed engineer.**

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

1. The comments in the April 29, 2019 letter from the Rockland County Highway Department must be met.

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Continuation of Condition #12...

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.

13. Based on the information provided, the Rockland County Highway Department offered the following remarks for consideration:

- 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.

14. Based on the information provided, the Rockland County Health Department (RCDOH) provided the following comment. **Please place this information on the Site Plan as a note.**

- RCDOH has concerns regarding construction access. The proposed wheel cleaning blanket is shown over the top of the existing septic tank. In order to protect the integrity of the system, heavy equipment, including but not limited to excavators and cranes, must not be utilized in the vicinity of the existing septic system.

15. 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.

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

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

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18. TREE PROTECTION: The following note shall be placed on the Site Plan:

The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to 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.
 - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

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

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

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

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

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

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

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

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

The foregoing Resolution was made and moved by Michael Mandel and seconded by Bruce Bond and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Blythe Yost, absent; Bruce Bond, aye; Robert Dell, aye; Stephen Sweeney, absent, and Mike McCrory, 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: May 22, 2019

**Cheryl Coopersmith
Chief Clerk Boards and Commissions**

Town of Orangetown Planning Board; attachment



TOWN CLERK'S OFFICE
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TOWN OF ORANGETOWN

**Reaffirmation
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: 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:

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 #19-34: Loretta Jara Minor Subdivision; Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

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TO: Jo Machinist, R.A., 502 Piermont Avenue, Piermont, New York 10968

FROM: Orangetown Planning Board

RE: Loretta Jara Subdivision Plan: The application of Loretta Jara, owner for Prepreliminary/ Preliminary/ Final Subdivision Plan Review at a site to be known as "**Loretta Jara Subdivision Plan**", located in the Tappan Historic District, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 52 Oak Tree Road, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map: Section 77.11, Block 3, Lot 55; in the R-15 zoning district.

Jane Slavin, Director OBZPAE recused herself from the proceedings of this item.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 22, 2019** the Board made the following determinations:

Jo Machinist and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated May 15, 2019
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, AIA, Director, dated May 16, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., May 21, 2019.
4. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated May 20, 2019.
5. A letter from Rockland County Department of Highway, signed by Dyan Rajasingham, Engineer II, dated April 25, 2019.
6. A letter from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer dated May 17, 2019.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated April 23, 2019.
8. From the Rockland County Drainage Agency, a letter signed by Vincent Altieri, Executive Director, dated May 15, 2019 and an Email from Shajan Thottakara, P.E., CFM dated May 22, 2019.
9. A letter from the New York State Department of Transportation, signed by Barbara Knisell, Assistant Engineer, dated May 16, 2019.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chair, dated May 1, 2019.

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11. Subdivision Plan prepared by Jo Machinist, R.A and Brooker Engineering, dated February 22, 2019, last revision date of April 10, 2019:

- T-1: Existing Site Plan and Location Maps
- SD-A: Proposed Subdivision

12. A Short Environmental Assessment Form signed by Loretta Jara, dated March 18, 2019.

13. A Project Narrative prepared by Donald Brenner, P.E., LL.B, dated April 22, 2019.

The Board reviewed the plan. The meeting was open 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 second by Bruce Bond carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Bruce Bond, aye; Michael Mandel, aye; Blythe Yost, absent; Robert Dell, aye; Stephen Sweeney, absent, and Mike McCrory, aye.

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

On motion by Michael Mandel and seconded by William Young and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Blythe Yost, absent; Bruce Bond, aye; Robert Dell, aye; Stephen Sweeney, absent, and Mike McCrory, 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.

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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 Jo Machinist, R.A. and Brooker Engineering 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, New York State Department of Transportation, Town of Orangetown Zoning Board of Appeals, Rockland County Department of Highway, Rockland County Drainage Agency and having reviewed a proposed Subdivision plan by prepared by Jo Machinist, R.A. and Brooker Engineering 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 Bruce Bond and seconded by Michael Mandel and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Blythe Yost, absent; Bruce Bond, aye; Robert Dell, aye; Stephen Sweeney, absent, and Mike McCrory, 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 Subdivision Plan Approval Subject to the Following Conditions:**

1. The following note shall be placed on the subdivision plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The subdivision plan shall be restudied so that the subdivision line is straightened out to create more regular shaped lots and reduce the building envelope of Lot B.
4. The driveway entering the site shall be moved to enter to the south of the proposed house.
5. The deck/ stairs over the property line shall be removed.
6. The following variance needs to be sought from the Town of Orangetown Zoning Board of Appeals: Minimum Street Frontage required is 75 ft. and 30' proposed.
7. The Subdivision plan must be signed and sealed by a New York State Professional Engineer and Land Surveyor.
8. The existing and proposed sanitary house connections, with inverts shall be added to the Subdivision Plan.

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9. All driveway opening(s) opposite the proposed subdivision shall be labeled on the Subdivision Plan.

10. The proposed grading is incorrect. For example, the plan shows a proposed grade of 126 tying into an existing grade of 128. The proposed grading shall be corrected.

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

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

13. The Site and Landscaping Plans shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review at the time it is proposed for a specific dwelling plan, under Site Plan Review.

14. The minor subdivision does not show the development of lot #B. The applicant is requesting a waiver of the subdivision requirements under Section 21-13 of the Land Development Regulations by not showing existing and proposed contours, drainage, stream relocation, existing trees, etc. It shall be clearly labeled on the Subdivision plan that "Lot #B is not approved as a Building Lot and if the applicant or future applicant wishes to obtain a building permit for Lot #B, then the applicant or future applicant will be required to appear before the Orangetown Land Use Boards for Site Plan Review and any other agencies or boards required for review and approval prior to granting an approval for development of that lot." Similarly, a note shall also be placed on the Subdivision Plat stating the following: "should the existing structure on Lot #A be demolished and a new structure be built, then the applicant or future applicant shall appear before the Orangetown Land Use Boards for Site Plan review and any other agencies or boards required for review and approval prior to granting any building permits for undertaking such work."

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

- Note 16 in the "Notes to Use and Bulk Table" states: "As part of any minimum lot area requirement for residential uses, not more than fifty percent (50%) of any and under water, within a freshwater wetland, subject to flooding or within the one hundred year frequency floodplain, within easements or right of way for sanitary or storm sewers, drainage, access or overhead utilities, or with slopes (unexcavated) of over twenty five percent (25%) shall be counted and within the designated street line of a road." Several areas of the site appear to have slopes that are greater than 25%. These areas include the western and northern areas of the site, and seem to have slopes of approximately 31.5% and 36.9% respectively. A slope analysis must be done to determine if there are areas on the site that contain slopes in excess of 25%. If it is found that there are, then the lot area and floor area ratio calculations must be revised to reflect these deductions.

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Continuation of Condition #15...

- There currently exist two dwellings on the site. The subdivision will result in Lot #A still retaining the two residences, though now on a much smaller lot. It must be determined if this is a permitted use; if not, then a Use Variance may need to be sought from the Town of Orangetown Zoning Board of Appeals.
- Section 5.152 of Chapter 43 of the Orangetown Code states "Spacing of multiple residential buildings. No multiple residential buildings shall be closer to any other multiple building on the same lot than the height of the taller of the two buildings." The distance between the two existing residential buildings is approximately 14 feet. The Town of Orangetown Planning Board must confirm that the distance between these two residential buildings conform to the Zoning Ordinance. A variance from the Town of Orangetown Zoning Board of Appeals may need to be sought if they do not comply.
- The tax parcel identification number on the application form is listed incorrectly as 77.11-3-5. The Town must check to ensure that the public hearing notice contains the correct parcel id# as 77.11-3-55. If it does not, then the public hearing notice must be corrected and re-issued.
- As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
- A review must be completed by the Rockland County Drainage Agency, and any concerns addressed and required permits obtained.
- A review must be completed by the County of Rockland Department of Health and any required permits obtained.
- 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 Standards for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- The Rockland County Department of Planning requests the opportunity to review any variances that may be needed to implement the proposed subdivision, as required by New York State General Municipal Law, Section 239-m (3) (a) (v).

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16. Based on the information provided, the Rockland County Health Department found that application is to be made to RCDOH for review of the storm water management system for compliance with the County Mosquito Code.

17. Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and no future correspondence is requested for this site.

18. The New York State Department of Transportation (NYSDOT) has reviewed the submitted information and offered the following:

- There appears to be no impact to the State Highway system, however, it is important that the NYSDOT be kept informed of all project updates/ revisions through the SEQRA process to approval.

19. Rockland County Drainage Agency (RCDA) reviewed the submitted information and found that a Stream Control Act permit from the RCDA is not required for subdivision proposals without any disturbance. However, since the parcel to be subdivided is within the RCDA jurisdiction, a note must be added on the subdivision plan/mylar to reflect the fact that a permit will be required for developments in the subdivision parcels. The following note must be added to the subdivision plan/mylar prior to subdivision review by the RCDA:

- The site is located within the jurisdiction of the Rockland County Drainage Agency (RCDA) pursuant to the Rockland County Stream Control Act, Chapter 846. Any site improvements within subdivided parcels will require a valid permit of a written determination that indicates a permit is not required from the RCDA, prior to the commencement of any work.

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

- Rockland County Sewer District No.1
- New York State Department of Transportation
- Town of Orangetown Zoning Board of Appeals
- Rockland County Department of Highway
- Rockland County Drainage Agency

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

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

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

24. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Subdivision Plan Approval pursuant to Town Code §21 and §6A.

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

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

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

- Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
- Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

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.

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

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

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

29. If the applicant, during the course of construction 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. 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.

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

The foregoing Resolution was made and moved by Bruce Bond and seconded by Michael Mandel and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Blythe Yost, absent; Bruce Bond, aye; Robert Dell, aye; Stephen Sweeney, absent, and Mike McCrory, 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: May 22, 2019

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



TOWN OF ORANGETOWN
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TOWN CLERK'S OFFICE

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

PB #19-34: Loretta Jara Minor Subdivision; Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

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

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

NAME OF ACTION: Loretta Jara Minor Subdivision; Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Minor Subdivision Plan Review

LOCATION: The site is located at 52 Oak Tree Road, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.11, Block 3, Lot 55 in the R-15 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

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

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**PB #19-26: The Club West at Pearl River
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**TO: Donald Brenner, 4 Independence Avenue, Tappan, New York
FROM: Orangetown Planning Board**

RE: The Club West at Pearl River – Phase II Site Plan: The application of The Club West at Pearl River LLC, owner for Prepreliminary/ Preliminary Site Plan Review at a site to be known as “**The Club West at Pearl River - Phase II Site Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 661 West Blue Hill Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map: Section 73.10, Block 1, Lot 5; OP & PAC zoning districts.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, May 8 and May 22, 2019** the Board made the following determinations:

May 8, 2019

Donald Brenner appeared and testified.
The Board requested that the applicant reappear at the May 21, 2019 Town Board Meeting.

The applicant requested a **CONTINUATION**.

May 22, 2019

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

The Board received the following communications:

1. Project Review Committee Reports dated May 1 & 15, 2019.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by signed by Jane Slavin, R.A., AIA, dated May 3, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., May 2, 2019.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated May 6, 2019.
5. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated May 2, 2019.
6. Letters from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated April 8, 2019 and Joseph Arena, dated April 9, 2019.

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7. Letters from the Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated May 7, 2019.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated April 12, 2019.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated April 17, 2019.
10. A letter from the New York State Department of Environmental Conservation signed by Chris Lang, Division of Permits, Region 3, dated April 26, 2019.
11. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated May 1, 2019.
12. A Full Environmental Assessment Form signed by Diego Villareale, P.E., JMC dated June 11, 2018; submitted at the meeting, a revised Full Environmental Assessment Form dated July 24, 2018.
13. A copy of the Building Permit Referral signed by Building Inspector Rick Oliver dated February 15, 2019.
14. Project Narrative prepared by the applicant.
15. A copy of the Town of Orangetown Zoning Code, Chapter 43. Zoning, Section 4.6. Planned Adult Community (PAC) floating zone.
16. Plans entitled "The Club at Pearl River II", prepared by JMC Site Development Consultants, dated February 14, 2019, last revision date of March 6, 2019, unless noted:
 - C-000: Cover Sheet
 - C-010: Existing Conditions Map
 - C-100: Layout Plan
 - C-200: Grading Plan, revised April 4, 2019
 - C-300: Utilities Plan, revised April 4, 2019
 - C-400: Erosion and Sediment Control Plan, revised April 4, 2019
 - C-500: Landscaping Plan
 - C-600: Lighting Plan
 - C-800: Road Profile Plan
 - C-900: Construction Details, revised April 4, 2019
 - C-901: Construction Details, revised April 4, 2019
 - C-902: Construction Details
 - C-903: Construction Details, revised April 4, 2019
 - C-904: Construction Details
 - C-905: Details
 - FA-1: Site Truck Turning Analysis

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17. Architectural Plans prepared by Barton Partners, dated February 14, 2019:

- 1 of 6: First Floor Plan
- 2 of 6: Second Floor Plan
- 3 of 6: Third Floor Plan
- 4 of 6: Building Elevations
- 5 of 6: Club House Floor Plan
- 6 of 6: Club House Elevations

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

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

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

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

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

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Development Consultants and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Department of Health, Rockland County Department of Highway, Rockland County Sewer District #1, New York State Department of Environmental Conservation, Town of Orangetown Zoning Board of Appeals, and having reviewed proposed Site Plans by prepared by JMC Site Development Consultants, a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

- 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 William Young and seconded by Bruce Bond and carried as follows: Thomas Warren – Chairman, aye, William Young, Vice-Chairman, aye; Michael Mandel aye; Bruce Bond, aye; Blythe Yost, absent; Stephen Sweeney, absent; Robert Dell, aye and Mike McCrory, 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. 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. 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.
4. The project site shall be redesigned to move the proposed pool out of the front setback and buffer.
5. The application is for Phase II of The Point at Blue Hill, Club West. The applicant petitioned and received a zone change from the Town of Orangetown Town Board on July 24, 2018. Please note that the current Full Environmental Assessment Form (FEAF), dated June 11, 2018 conflicts with the FEAF dated July 24, 2018, the following items were indicated. **The FEAF submitted to the Planning Board must be updated as follows:**
 - a) Page 2 of 13, Item C.1 Adopted Land use plans.
 - b) Page 8 of 13, item "m" "Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation or both?" The applicant shall check "Yes" and provide a detail description in item "l".

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Continuation of Condition #5...

c) Page 13 of 13, Item F, Additional Information - Add the following:

“If required by the Town, the applicant would conduct a Phase 1A Archeological Survey to establish the potential archaeological sensitivity of the portion of the project site that would experience subsurface impacts during the Site Plan Approval process with the Planning Board. We will also determine if a bald eagles nest does exist in the vicinity of the project site during the Site Plan Approval process. If it is determined a nest exists, additional protection measures in accordance with the New York State Department of Environmental Conservation requirements will be followed.”

6. Per Chapter 43, Article IV, Section 4.6: Planned Adult Community (*PAC) floating Zone:

4.69: Lot and bulk controls for PAC developments.

Table 1; Other Sites:

- **Maximum Height** – 2 stories or 35 feet. The elevations must demonstrate compliance with building height and number of stores.
- **Front Yard** – 100 feet required and 75 feet proposed to swimming pool and 50 feet to enclosure
- **Minimum Building Setback from internal roads** – 25 feet required and 17 feet proposed at north building corner to roadway.

4.610: Additional requirements.

E.

“Buffer areas shall include existing vegetation and supplemental plantings. No structures, parking areas or roadways shall be located within a required buffer other than access drives to and from the site.”

- The roadway on the south side of the site is within the 50' required buffer, a variance from the Town of Orangetown Zoning Board of Appeals is required.

G.

“In determining the design and intensity of the PAC developments, existing environmental features shall be duly considered, particularly areas of steep slope that would affect the walkability of the site. Note 16 of the Notes to Use and Bulk Tables of the Zoning Ordinance (2) shall apply to all PAC sites, requiring adjustments to site area for environmental constraints.

Note 16: As part of any minimum lot area requirement for residential uses, not more than fifty percent (50%) of any land under water, within a freshwater wetland, subject to flooding or within the one-hundred-year frequency floodplain within easements or right of way for sanitary or storm sewers, drainage, access or overhead utilities or with slopes (unexcavated) of over twenty-five percent (25%) shall be counted and within the designated street line of a road.

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Continuation of Condition #6...

- Deed acres of lot +25.87 acres + 1,126,897 square feet.
1,126,897 – 75,153 (50% area in wetlands per plan) = 1,053,744 or 24.19 acres.
24.19 acres x 4 units per acre permitted=96.76 units permitted.
- Applicant must supply a breakdown of the areas that are located within the wetlands, steep slope areas and proposed easements as applicable in relationship to the total lot area and compliance with the 50% reduction requirement and Table 1; Bulk Requirements.

4.612. Procedures.

D. (1)

No site development plan or subdivision plat shall receive preliminary approval by the Planning Board, unless the plat or plan proposed for such approval shall first have been referred back to the Town Board for its review, and the Town Board shall have adopted a resolution evidencing the fact that the proposed plat or plan does not substantially deviate from the final concept plan or layout presented to, and reviewed by, the Town Board as part of the zone change process. The adoption of such resolution shall appear as a map note on any approved plat or plan.

D. (2)

The term "substantially deviate," as used herein, shall mean that the site development plan and/or subdivision plat presented to the Planning Board for preliminary approval differs in a material manner from the final concept plan reviewed by the Town Board, and upon which the Town Board granted the PAC zone change, and that that material change or deviation that may have been made to the concept plan, in the Town Board's sole judgment and discretion, is not consistent with the goals sought to be achieved by the grant of the zone change. The decision of the Town Board that the site development plan and/or the subdivision plat proposed for preliminary approval by the Planning Board substantially deviates shall require a majority vote of the Town Board plus one.

- Based upon review, the plan submitted to the Planning Board differs from the plan submitted to the Town Board as it indicates different building site layout configuration, a swimming pool location within the 100 front yard setback and a reduction in parking from 244 spaces to 226 spaces. The project must first be referred back to the Town Board for its review and determination that the plan does not substantially deviate from the final concept plan or layout previously presented to the Town Board.

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7. The Site Plans indicate retaining walls with fall projection and 10' x 15' foot pergolas at multiple locations, plans, elevations and details, must be provided.
8. The SWPPP supplied is under review by DEME. However, a cursory review of the SWPPP has revealed a number of issues:
- a) The SWPPP shall be bound by a 3-ring binder.
 - b) The introduction to the SWPPP and the drawings shall clearly identify the specific type of infiltration pond that is being proposed using the naming system spelled out in the NYSDEC Stormwater Management Design Manual.
 - c) The beginning of the SWPPP shall include a table showing elevation vs. area vs volume numbers for the proposed infiltration pond system & Water Quality (WQ) practices.
 - d) The drainage calculations shall also contain year storm vs volume vs elevation table for all of the proposed stormwater systems and WQ features.
 - e) Appendix F shall include the required post construction checklists for all of the proposed stormwater management facilities: CDS unit, stormwater pond, catch basin, piping, etc.
 - f) Appendix G shall include the required "during" construction checklists for all of the proposed stormwater management facilities as well as all of the proposed soil erosion and sediment control features.
 - g) The drainage calculations shall include storage –elevation tables and curves for the stormwater infiltration system and WQ practices. Pre and post hydrograph shall also be provided in the calculations. It is recommended that the pre and post calculations and hydrographs be separated into separate appendices.
9. A 12 foot wide maintenance path shall be clearly depicted around the proposed infiltration basin. The path shall be placed in order to reach all critical components: water quality structure, inlet, outlet structure, exhaust to outlet structure (level spreader), emergency spillway, etc. Also, the current plan does not show how the basin will be accessed for maintenance, this shall be corrected.
10. A "blow up" of the proposed stormwater infiltration basin shall be added to the plans. Cross-sections depicting the elevations at all the year storms designed for, plus their related storage volumes, shall be included in said profiles.

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11. The plans shall clearly indicate the total area of disturbance and the total amount of existing and proposed impervious surfaces, in table form.

12. The soil erosion and sediment control plan is under review by DEME. However, no SESC features are shown on the proposed slopes along the eastern side of the development. The applicant's engineer shall specify a rolled erosion product, or similar acceptable SESC feature, for said slopes, to maintain them during construction until final stabilization has taken place.

13. Although drawing C-800 contains an unlabeled road profile (believed to be the entrance road to the site), profiles for the entire road system shall be added to the plans. These road profiles shall include all facilities located within them.

14. Profiles for all proposed sanitary and storm/ drainage piping shall be added to the drawings.

15. The detail for the proposed outlet control structure does not show an access point from the top, this shall be corrected.

16. Material specifications, design details, installation information and post construction maintenance requirements for the stormwater infiltration pond and CDS unit shall be added to the drawings as well as being discussed in other appropriate sections of the SWPPP.

17. Sanitary calculations for the proposed site plan, prepared and sealed by a NYS Licensed Professional Engineer, shall be submitted to DEME for review and approval. These calculations shall not only include an analysis of the proposed flows from the new development and sizing of the mains, but also an analysis of the capacity of the pumping station that it will be tying into, to determine that there is adequate capacity at the station to handle the additional flows.

18. It appears that the proposed sanitary sewer system is to be dedicated to the Town of Orangetown Sewer Department. If this is the case, ingress/ egress easements shall be depicted (with metes and bounds) over all of the private roadways and encompassing all mains of private property. The roadway easements shall be the full width of the roads and the easements for any sewer mains "off road" shall be at least 20 feet in width. Copies of the written ingress/ egress easements shall be provided to the Town of Orangetown Town Attorney's Office and DEME for review and approval.

19. The location of the proposed sewer main, along the eastern side of the development is unacceptable. The main cannot be located along the slope as any future maintenance would be extremely difficult at best. The applicant's engineer shall look into creating a 15 foot wide level, paved path in which to place the main or look into relocating the main to the western side of the eastern most set of buildings (parking area/ roadway.)

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20. The proposed sanitary manhole cover detail shall be modified to include the words sanitary sewer and the date of installation, as specified in Note #2 of the detail.

21. The manhole detail shall call for ONLY a Campbell Foundry frame and cover 1012b. The reference to "1107" shall be removed.

22. The sanitary building connection inverts shall be labeled on the utilities plan.

23. This site plan will require a Homeowners Association, or equivalent, to be formed in order to spell out the responsibilities for the maintenance of the private roadway, private stormwater drainage system, etc. This agreement shall include a named responsibility for overall drainage systems (SWPPP contact.)

24. Any and all planting for the proposed infiltration basin shall be clearly called out on the Landscaping Plan.

25. A post construction stormwater maintenance agreement, in accordance with NYSDEC Phase II regulations, for the proposed stormwater system shall be submitted to DEME and the Town Attorney's office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc.

26. There appears to be a proposed retaining wall along the south eastern side of proposed building #3. Design details and a profile for the proposed wall shall be added to the drawings. This information shall be provided prior to the Site Plan receiving Final Approval.

27. The date and person/ company that delineated the wetlands shall be added to the drawings.

28. The page and liber or instrument number (s) for all existing easements/ dedications shall be given on the plans, if applicable.

29. The datum for the contours shall be given. Also, a note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM Elevation.

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30. Drainage Review Recommendation – Brooker Engineering

The proposed action demonstrates that potential significant adverse impacts with respect to drainage can be mitigated. The Drainage Consultant, Brooker Engineering therefore recommends that the Club at Pearl River Phase II Site Plan be approved for drainage subject to the following comments.

This is the first drainage review report for this project. The site is located at the southern corner of the intersection of Blue Hill Plaza Road and Orangeburg Road. The site is heavily wooded and undeveloped. Stormwater runoff flows south to an existing wetland downhill of the developed portion of the site; no encroachments into the wetland are proposed. The grading for the project diverts off-site stormwater runoff around the proposed development. Stormwater runoff from the developed portion of the property is directed to a stormwater management basin, which is labeled as and Infiltration Basin Area. The project adds 4.7 acres of impervious area which is conveyed to a 47,777 cubic feet infiltration basin.

Project Comments

1. The project design relies heavily on infiltration to achieve no net increase in peak runoff rates. Soil percolation tests were taken in the vicinity of the bottom of the basin rates to verify infiltration rates and the groundwater table. Locations of the perc tests conflict between the grading plan (C-200) and the SWPPP; this shall be reconciled.
2. The buildings are mainly on fill; however, the uphill portions of each of the basins are in cut. The groundwater elevations shall be evaluated with respect to cut elevations and foundation drains shall be shown on the Utility Plan. The potential for baseflow from intercepting the groundwater table and directing this baseflow to the infiltration shall be evaluated as this may impact the ability of the basin to infiltrate stormwater.
3. Most test pits note mottling at elevations higher than the observed groundwater during the test pits. Soil mottling is an indicator of seasonal high water table. The SWPPP and drainage design shall evaluate the potential for seasonal high water impacting the drainage design and infiltration assumptions.
4. There is a large embankment at a slope of 2.5 horizontal to 1 vertical between the infiltration basin and Buildings 3 & 4 and the clubhouse. The soil and erosion control plan shall include measures to intercept sediment before reaching the bottom of the basin as this may impact the long term viability of the infiltration basin. The proposed temporary sedimentation basin located at the southern levee shall be relocated.
5. The planting plan shall specify the soil cover at the bottom of the basin. Soil and landscaping shall be selected to ensure that infiltration as per the measured percolation tests can be achieved.

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6. The Drainage Consultant recommends post construction percolation tests be performed to ensure the design infiltration rates can be achieved.
7. Access for maintenance to the infiltration basin shall be added to the site plan.
8. Calculations for the infiltration rate of 2.93 cfs included as a variable in the hydrologic model shall be provided.
9. Calculations for sizing of the on-site storm drainage pipes shall be added to the SWPPP.
10. Calculations and details for the water quality structure shall be added to the plan and SWPPP.
11. Sections through the infiltration basin shall be added to the Site Plan; include the 100-year design water surface elevation.
12. Additional detailed grading shall be added at the northwest corner of the clubhouse to demonstrate positive drainage away from the structure.

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

- The main access into the site appears to be over tax lot 73.10-1-6. No access easement is indicated on the site plan. An access easement must be provided for tax lot 73.10-1-5 over tax lot 73.10-1-6. This easement must be recorded in the deed as well.
- The site is located on relatively steep topography. Extensive regrading must be done in order to implement the proposed development design. To limit the extent of soil erosion, prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Guidelines for Urban Erosion and Sediment Control.
- The site is comprised of relatively steep slopes, especially for a senior housing development. The site topography changes over 100 feet in grade from the entrance to the 152-foot contour along the south and eastern portion of the regraded area of the site. Stairs are included in the design to access between the lower and upper levels of the site. Elevation changes from the southern buildings to the northern buildings are as great as 20 feet. No handicapped ramps are included in the design, making it difficult for those seniors with mobility issues to access different sections of the site. A design that provides accessibility to all seniors must be provided.
- The clubhouse and pool are not centrally located, but rather at the northeastern edge of the developed portion of the site. As previously indicated, access to these facilities may be challenging to residents that are not mobile. The Town must be satisfied that the 14 parking spaces in closest proximity to the recreational facilities and clubhouse are adequate to serve the residents of the community.

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- The emergency access appears to be over 10% in grade. In addition, the junction with the main internal loop road does not appear to provide sufficient turning radius for emergency equipment to access/ exit the site. The Fire Truck Turning Analysis Plan, FA-1, illustrates that the vehicle will hit the light fixture at the intersection for the Emergency Access #2 Plan. The emergency access road must be redesigned so that the slope is reduced and the turning radius feasible for emergency equipment to maneuver around the corner without encroaching off of the pavement area or hitting the light fixture.
- The three parking spaces at the southernmost unit may conflict with the dumpster enclosure. In addition, the tight turn in the driveway design may result in visibility issues for vehicles backing out of these parking spaces. This drive and parking area must be reconfigured to provide a safer design.
- To ensure that the existing forested area to remain is left undisturbed, a construction envelope shall be delineated on the plans, and the boundaries shall be marked on site with yellow tape or other clearly visible materials prior to any grading or disturbance on the site. Soils outside the construction envelope shall not be disturbed.
- The elevations for the top and bottom of all retaining walls must be provided; only measurements are provided for the long wall proposed along the southeaster portion of the site. Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed NYS 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.
- The comments provided in the April 8, 2019 letter from the Rockland County Highway Department must be met. All required permits must be obtained prior to any grading or construction on the site.
- A review must be completed by the County of Rockland Department of Health, any comments or concerns addressed, and any required permits obtained.
- If there is any encroachment into the Federal wetlands, a review must be completed by the U.S. Army Corps of Engineers and all required permits obtained.

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- A review must be completed by the Rockland County Office of Fire & Emergency Services, Pearl River Fire District or the Orangetown Fire Inspector to ensure that access to the site is possible for all fire equipment. The Rockland County Department of Planning is particularly concerned with access via the emergency road, the turning radius located in the southwestern portion of the ring road, and access to the rear of the southern buildings.
- A review must be completed by the Rockland County Health Department to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages, and County with an adequate supply of water. If any public water supply improvements are required, engineering plans and specification for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II, Drinking Water Supplies, of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.
- For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.
- Areas dedicated for snow removal must be clearly delineated on the Site Plan so that the plow drivers will know where to place the snow piles. This will help to protect the landscaping from being broken from the weight of the snow and from causing salt intrusion to the plants. In addition, designated specific locations on the site for the snow piles will eliminate the loss of parking spaces meant for the residents and guest of the senior housing complex.
- It is not indicated in the documents provided with the application if the units will be rental or owner-occupied. If the units are to be rented to the residents, then pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1, all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC). If this proposed multi-family dwelling meets the requirements of the Multiple Dwelling Rental Registry requirement, then the owner must register and obtain the MDRC. Failure to comply is a violation of Article XIII, which may result in penalties of \$2,000.00 per day.

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- Since this is a senior housing development, TRIPS paratransit vehicles will likely be serving the residents of the site. Given that the site is steep, door to door service would be more ideal than a designated bus stop. The Planning Board must be assured that the design of the inner roadway can accommodate these vehicles. In addition, a review must be completed by the Rockland County Department of Public Transportation so that they can evaluate the site in relation to the needs of providing their service.
- The site plan must include standard notes, including district information.
- When the parcel was reviewed for the zone change, the July 23, 2018 letter from Rockland County Department of Planning listed Rockland County Highway Department as an interested agency since the site is directly on a County Highway. Page 2 of 13 of the Full Environmental Assessment Form (FEAF) still does not list the Rockland County Highway Department as a County agency in which approval or permits are required. This form must be updated to reflect such.
- Question C.2 on the FEAF indicates that there is no town comprehensive plan which includes the site in question. The Town adopted a comprehensive plan in May, 2003 entitled "Town of Orangetown Comprehensive Plan." Page III-3 identifies this area, indicating that "future development in this area could include office uses or other compatible land uses in an open space setting." Further within the document is Table III-1, which provides a listing of properties that the Town should pursue for open space preservation, and includes tax parcel 73.10-1-5. Therefore, the answers to C.2 must be changed to "Yes" in the FEAF. A comprehensive plan update may also be required if this parcel is rezoned.
- Question D.2.c of the FEAF lists Orangetown as the name of the district of service area for the water company. This shall be Suez instead.
- Question E.2.1 lists the name of the aquifer to be "principal aquifer." Instead it should be listed as "Lake Tappan."
- The Palisades Interstate Parkway has been designated as a Scenic Byway in New York and as a National Landmark by the National Park Service. Section E.3.h on Page 13 of 13 of the FEAF must be updated to reflect that the site is within five miles of an officially designated federal and state scenic or aesthetic resource.

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32. The Rockland County Highway Department (RCHD) reviewed the submitted information and offers the following comments:

- As the proposed housing facility is expected to generate more traffic flow in the area, it may have some negative impact on the level of service on the County Road. A traffic impact study (TIS) may be required to determine the effects and mitigate them, if necessary.
- The proposed emergency access driveway shall be moved away from the slip ramp.
- The available sight distance for the emergency access ramp shall be verified.
- The recommended driveway grade shall be within 10% for residential driveways.
- As the propose emergency access driveway for the facility slopes down to Veterans Memorial Drive near the slip ramp, there are possibilities of flooding and storm water runoff onto the public road. RCHD would recommend having catch basins installed in the emergency driveway to avoid these concerns.
- A drainage report for the proposed development shall be prepared and **submitted to RCHD**. The report shall satisfy the County's drainage rule of "no net increase in the peak rate of discharge from the site at all design points."
- No construction work shall be performed in the site without a road work permit from the Rockland County Highway Department.

33. The Rockland County Health Department (RCDOH) reviewed the submitted information and offers the following comments:

- The future ownership of the sanitary sewer system is to be made clear on the Site Plans. If the sanitary sewer collection system is to be private, a Transportation Corporation must be set up in accordance with Article 1- "Sewage Works Corporations" of the Transportation Corporations Law. RCDOH must approve plans for the sewage disposal per Article IV, Section 4.2.1 of the Rockland County Sanitary Code. Formal application is to be made.

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- Application is to be made to the RCDOH for water main extension approval.
- Application is to be made to the RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.
- If a kitchen is proposed in the Club House, a Food Service Establishment Permit will be required from RCDOH.
- Public pools are regulated by the Rockland County Department of Health and engineering plans for the pool must be submitted and approved.
- In accordance with Article 13.8.1 of the Rockland County Sanitary Code, all multiple dwellings with three (3) or more rental units and all rooming houses must register and obtain a Multiple Dwelling Rental Certificate from the Rockland County Health Department Rockland Codes Initiative (RCI) prior to occupancy.

34. 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.

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

- The Bureau requests that all roadways be stabilized and hydrants are operational prior to the framing of any buildings as per New York State Fire Code Section: 501.4: "Timing of installation. When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided."
- Provide information regarding the width and style of any vehicle gates. Provide information regarding the opening mechanism for emergency vehicles and if siren operated, a secondary means to open the gates and have them stay open.
- The dimensions for the largest fire apparatus that will respond to the site is as follows: Overall length from end of bucket on tower ladder to rear step is 48 feet and the center front axle to center rear axle is 285 inches. The plans shall be revised to show the fire apparatus turning drawing to show this. The area in front of building #1 provides for a turning area that goes into a section marked #6, explain what this area is. Is there a median in the main entrance roadway, if so each side must be 26 feet wide? In addition, the Emergency entrance roadway must be 26 feet wide.

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- Note the location of the Fire Department sprinkler system connections on each building. This will affect the final placement and number of fire hydrants.
- All fire hydrants on site are to be privately owned and maintained. The type of hydrant must be approved by the Bureau.
- All areas on the Site Plan other than duly marked parking spaces are to be designated fire lanes. The Bureau must review and approve the stripping and signage plan.
- NFPA 13 fire sprinkler system must be provided in each building. Drawings showing riser locations, etc., must be provided to the Bureau prior to installation.
- NFPA 72 fire alarm system must be provided in each building with direct connection to 44 Control. Drawings must be provided showing devices prior to installation.
- Key Boxes for FD access must be provided on each building and gate. Exact number of boxes and location will be determined.
- Truss signs as per NYS Code must be provided on each building. Exact number of signs and location will be determined.
- The application will provide information regarding any generators to be installed.
- Information must be provided regarding the use of chlorine or salt water in the swimming pool.
- The following information must be provided; if there will be outside grilling areas or fire pits.
- An application for a Certificate of Compliance Fire Safety for each building must be filed with the Bureau.

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36. Based upon the circulated documents, the New York State Department of Environmental Conservation (NYSDEC) offered the following information:

- **Protection of Waters:** The following stream is located within or near the site: Unnamed tributary, Class A, DEC Water Index Number NJ-2, Status is protected. Based on the submitted plans, it does not appear that the proposed project would physically disturb this stream. However, please note that a Protection of Waters permit would be required to physically disturb the bed or banks (up to 50 feet from the stream) of this stream. If a permit is not required, please note, however the applicant is still responsible for ensuring that work shall not pollute any stream or waterbody. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.
- **Freshwater Wetlands:** The site is not within a New York State-protected Freshwater Wetland or 100' adjacent to the area.
- **Water Quality Certification:** If the United States Army Corps of Engineers (ACOE) requires a permit pursuant to Section 401 of the Clean Water Act, then a Section 401 Water Quality Certification will be required. Issuance of these certifications is delegated in New York State to DEC. If the project qualifies for a Nationwide Permit, it may be eligible for coverage under DEC's Blanket Water Quality Certification. Coverage under the blanket requires compliance with all conditions in the blanket for the corresponding Nationwide Permit.
- **State – Listed Species:** DEC has reviewed the State's Natural Heritage records and determined that the site is located within or near record(s) of the following State-listed species:
 - Bald Eagle (*Haliaeetus leucocephalus*) – Status is Threatened

A permit is required for the incidental taking of any species listed as endangered or threatened, which can include removal of habitat.

Based on location and distance to nearest known nest, this project is not likely to impact bald eagles. No further review is necessary, but please note that need eagle nests are established each breeding season, which runs from January 1st to September 30th. Records should be checked for new nests each year.

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- **ES Stormwater (Construction):** As the overall project will disturb over one acre of land, the project sponsor must obtain coverage under the current SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-15-002) and a Storm Water Pollution Prevention Plan (SWPPP) must be developed which conforms to requirements of the General Permit. Authorization for coverage under this SPDES General Permit is not granted until the Department issues all other necessary DEC permits. As the site is within a Municipal Separate Storm Sewer System (MS4) community, the SWPPP must be reviewed and accepted by the municipality, and the MS4 Acceptance Form with the SWPPP and the application for coverage, in accordance with the application instructions.
- **Water Withdrawal:** According to the Full EAF, the proposed facility will generate a demand for water of approximately 31,000 gpd. The proposed source of water supply would be the Town of Orangetown district/ service area. Water main extensions are required to connect the proposed project to this water supply. The EAF indicates that an expansion of the existing district is needed. Please note that as this project will be served by an existing municipal water service, then additional Department approval may be required to ensure that the site is covered under an existing Water Withdrawal permit and does not exceed the authorized maximum taking of water into the existing water district or service area encompassing the project site to be served.
- **Cultural Resources:** DEC has reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources. Visit NYS Office of Historic Preservation website at nysparks.com/shop/online-tools.
- Other permits from DEC or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and therefore, the applicant should verify the need for permits if the project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified.

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

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

38. 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.

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

40. 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.

41. 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:

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- 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.

42. 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.

43. 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.

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

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45. 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).

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

47. 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

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

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

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: May 22, 2019

**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: The Club West at Pearl River – Phase II Site Plan

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

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 661 West Blue Hill Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.10, Block 1, Lot 5 in the OP-PAC 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:

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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MAY 22 11:53 AM '19