

**TOWN OF ORANGETOWN PLANNING BOARD
MEETING OF MAY 27, 2009**

MEMBERS PRESENT: Robert Dell, Chairperson; Bruce Bond, Vice-Chairperson, Kevin Garvey, Andy Stewart (arrived at 8:00 p.m.), John Foody, and William Young

MEMBERS ABSENT: Jeffrey Golda

ALSO PRESENT: John Giardiello, Director, Department of Building, Zoning , Planning Administration and Enforcement; Robert Magrino, Deputy Town Attorney; Richard Pakola, Deputy Town Attorney; Ann Marie Ambrose, Stenographer and Cheryl Coopersmith, Chief Clerk

Robert Dell, Chairperson called the meeting to order at 7:35 p.m. Mr. Garvey read the agenda. Hearings as listed on this meeting's agenda which are made a part of these minutes, were held as noted below:

Blauvelt Free Library Site Plan Prepreliminary/Preliminary Site Plan and SEQRA Review 70.14/2/45; CS zoning district	Preliminary Site Plan Approval Subject to Conditions Neg. Dec.	PB #09-30
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Kennedy Site Plan Prepreliminary/Preliminary Site Plan Review and SEQRA Critical Environmental Area 66.17/1/11; R-22 zoning district	Preliminary Site Plan Approval Subject to Conditions Neg. Dec.	PB #09-31
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<u>Continued item from the February 25, 2009 Meeting:</u> Crestron Electronics Resubdivision Plan Prepreliminary/Preliminary/ Final Resubdivision Plan and SEQRA Review 77.05/1/36 & 37; LIO zoning district	Continued	PB #09-10
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Crestron Electronics Site Plan Prepreliminary/Preliminary Site Plan and Conditional Use Permit Review and SEQRA 77.05/1/36 & 37; LIO zoning district	Continued: Needs Drainage	PB #09-11
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**TOWN OF ORANGETOWN PLANNING BOARD
MEETING OF MAY 27, 2009
Page 2 of 2**

A motion was made at 10:25 p.m. to move into Executive Session by Kevin Garvey and second by William Young and agreed by all in attendance.

At 10:35 p.m. a motion was made to close Executive Session. The motion was made by Kevin Garvey and second by William Young and agreed by all in attendance.

Other Business: Ms Suzanne Barclay, Executive Assistant to the Supervisor, made a presentation to the Planning Board regarding the Draft Generic Environmental Impact Statement for the Four Seasons at Orangetown Rockland Psychiatric Center (DEIS). On April 21, 2009 the Planning Board received a copy of the DEIS.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Kevin Garvey and seconded by William Young and agreed to by all in attendance. The meeting was adjourned at 11:15 p.m. The next Planning Board meeting is scheduled for June 24, 2009.

**DATED: May 27, 2009
Planning Board Town of Orangetown**

**PB #09-30 – Blauvelt Free Library Site Plan - Preliminary Site Plan
Approval Subject to Conditions/ Neg. Dec.**

TOWN OF ORANGETOWN PLANNING BOARD DECISION

May 27, 2009

Page 1 of 8

TO: Robert Hoene, R.A., 379 Piermont Avenue, Piermont,
New York 10968
FROM: Orangetown Planning Board
RE: The application of Robert Hoene, applicant for Blauvelt Free
Library, owner, for Prepreliminary/Preliminary Site Plan Review for a site known
as “**Blauvelt Free Library 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
located at 541 Western Highway, Blauvelt, New York, Town of Orangetown,
Rockland County; and as shown on the Orangetown Tax Map as Section 70.14,
Block 2, Lot 45 in the CS zoning district

Heard by the Planning Board of the Town of Orangetown at a meeting held
Wednesday, May 27, 2009, at which time the Board made the following
determinations:

Robert Hoene appeared and testified for the applicant.

1. Project Review Committee Report dated May 20, 2009.
2. An interdepartmental memorandum from the Office of Building, Zoning,
Planning Administration and Enforcement, Town of Orangetown, signed by
John Giardiello, P.E., Director, dated May 27, 2009.
3. An interdepartmental memorandum from the Department of Environmental
Management and Engineering (DEME), Town of Orangetown, signed by
Bruce Peters, P.E., dated May 20, 2009.
4. Letters from the Rockland County Department of Planning, signed by
Eileen Miller, dated May 19, 2009 and Salvatore Corallo, Commissioner of
Planning, dated May 20, 2009.
5. A letter from Rockland County Highway Department, signed by Sonny Lin,
P.E., dated May 26, 2009.
6. A letter from the Rockland County Drainage Agency, signed by
Edward Devine, Executive Director, dated April 28, 2009.
7. Letters from Rockland County Department of Health, signed by Scott McKane,
P.E., Senior Public Health Engineer, dated April 29 2009.
8. A letter from the Zoning Board of Appeals, Town of Orangetown, signed by
William Mowerson, Chairman, dated April 22, 2009.

**PB #09-30 – Blauvelt Free Library Site Plan - Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

TOWN OF ORANGETOWN PLANNING BOARD DECISION

May 27, 2009

Page 2 of 8

9. A Short Environmental Assessment Form signed by Robert Hoene, R.A., dated April 13, 2009.

10. Plans prepared by Robert Hoene, R.A, dated March 31, 2004, last revised December 9, 2008.

The hearing was then opened to the Public. There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Bruce Bond and seconded by Kevin Garvey and carried as follows:

Bruce Bond, aye; John Foody, aye; Jeffrey Golda, absent, William Young, aye, Andy Stewart, absent; Robert Dell, aye and Kevin Garvey, 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 Kevin Garvey and seconded by Bruce Bond and carried as follows: Bruce Bond, aye; Andy Stewart, absent; William Young, aye; Robert Dell, aye; John Foody, aye; Jeffrey Golda, absent and Kevin Garvey, aye the Board declared itself SEQRA Lead Agency.

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

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

PB #09-30 – Blauvelt Free Library Site Plan - Preliminary Approval Subject to Conditions/ Neg. Dec.

TOWN OF ORANGETOWN PLANNING BOARD DECISION

May 27, 2009

Page 3 of 8

On motion by Bruce Bond and seconded by John Foody and carried as follows: Bruce Bond, aye; Andy Stewart, absent; Robert Dell, aye; John Foody, aye; William Young, aye; Jeffrey Golda, absent; and Kevin Garvey, aye the Board made a Negative Declaration.

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

1. The following note shall be placed on the site plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations
3. The applicant shall submit a Landscaping Plan for the site.
4. A Zoning Bulk Table shall be provided on the Site Plan.
5. A minimum rear yard setback of 25 feet is required. 12.5 feet is existing and 3.25 feet is proposed. A zoning variance from the Town of Orangetown Zoning Board of Appeals needs to be sought for the rear yard.
6. Thirty nine parking spaces are required and eight are existing. A variance from the Town of Orangetown Zoning Board of Appeals need to be sought.
7. The proposed side yard setback is closer than 22.5 feet and it shall be labeled on the Site Plan.
8. Indicate on the Site Plan where the existing air conditioner units will be relocated to.
9. The Short Environmental Assessment Form appears to be in order.

**PB #09-30 – Blauvelt Free Library Site Plan - Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

TOWN OF ORANGETOWN PLANNING BOARD DECISION

May 27, 2009

Page 4 of 8

- 10.** Because the proposed addition is under 400 square feet, drainage calculations and storm water attenuation is not required.
- 11.** Prior to the start of construction or grading, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control, and submitted to DEME for review and approval.
- 12.** The Tax Lot Numbers for the adjoining properties shall be indicated on the Site Plan.
- 13.** Existing and proposed (if applicable) grading shall be added to the plans.
- 14.** All existing plantings, retaining wall, etc. in the area of the proposed addition shall be shown on the Site Plan.
- 15.** Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - (1)** A review shall be completed by the Rockland County Highway Department and all required permits obtained for the Site Plan.
 - (2)** There shall be no net increase in storm water runoff from the site.
 - (3)** The Rockland County Department of Planning requests the opportunity to review any variances that may be requested in order to implement the proposed subdivision plan and change of use, as required by the New York State General Municipal Law, Section 239-m (3)(a)(v).
- 16.** Based upon the Rockland County Drainage Agency's (RCDA) evaluation of available mapping and the information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to Chapter 846, Rockland County Stream Control Act, is not requested based upon its review of the information provided.
- 17.** The records of the Rockland County Health Department reviewed the project and found that there are no approvals required from the Rockland County Health Department for this application.
- 18.** Rockland County Department of Highway requested the following information to be submitted for review and is a condition of approval:

Zero net increase in runoff shall be maintained for all storm water drainage toward the County Road from the proposed construction.

A Rockland County Highway Department Work Permit will be required for the proposed construction adjacent to the County Highway and must be secured prior to the start of any excavation or construction activities on site.

**PB #09-30 – Blauvelt Free Library Site Plan - Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

TOWN OF ORANGETOWN PLANNING BOARD DECISION

May 27, 2009

Page 5 of 8

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

- Rockland County Department of Planning
- Rockland County Drainage Agency
- Rockland County Department of Health
- Rockland County Department of Highways
- Town of Orangetown Zoning Board of Appeals

20. The following note shall be placed on the site map:

TREE PROTECTION: 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.

**PB #09-30 – Blauvelt Free Library Site Plan - Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

TOWN OF ORANGETOWN PLANNING BOARD DECISION

May 27, 2009

Page 6 of 8

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

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

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 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

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

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

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

**PB #09-30 – Blauvelt Free Library Site Plan - Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

TOWN OF ORANGETOWN PLANNING BOARD DECISION

May 27, 2009

Page 7 of 8

Overrides

The Board made motions to override Conditions #3 and #4 of the May 20, 2009 letter from Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, for the following reasons:

“#3. A lighting plan that includes fields of illumination shall be provided and the plan shall demonstrate that there will be no light spillage into the County road right of way.”

The Board stated that the applicant testified that no additional lighting would be added to the site in order to construct and complete the improvement.

A motion to override the condition was made and moved by Kevin Garvey and seconded by William Young and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Andy Stewart, absent; Jeffrey Golda, absent; William Young, aye and John Foody, aye.

“(4). A signage plan shall be provided that meets all Town requirements and demonstrates that signage will be located so as to prevent any impediment to sight distance along the County road.

The Board held that no new signage would be added or changed at the site in order to construct and complete the improvement.

A motion to override the condition was made and moved by Kevin Garvey and seconded by William Young and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Andy Stewart, absent; Jeffrey Golda, absent; William Young, aye and John Foody, aye.

The foregoing Resolution was made and moved by Kevin Garvey and seconded by William Young and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Andy Stewart, absent; William Young, aye; John Foody, aye; Robert Dell, aye and Jeffrey Golda, absent.

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

Dated: May 27, 2009

Town of Orangetown Planning Board

**PB #09-30 – Blauvelt Free Library Site Plan – Preliminary Site Plan
Approval Subject to Conditions/ Neg. Dec.**

TOWN OF ORANGETOWN PLANNING BOARD DECISION

May 27, 2009

Page 8 of 8

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: Blauvelt Free Library Site Plan - Preliminary Site Plan
Approval Subject to Conditions/ Neg. Dec. SEQR STATUS: Type I
Unlisted XXXXXX**

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: **Site Plan Review**

LOCATION: The site is located at 283 North Middletown Road, Pearl River, New York, New York. Tax Map Numbers: 68.12/3/24; in the RG zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

PB #09-31 – Kennedy Site Plan - Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec. (Critical Environmental Area)

TOWN OF ORANGETOWN PLANNING BOARD DECISION

May 27, 2009

Page 1 of 7

TO: Robert Silarski, AIA, S & Co. Architecture, 57 Burd Street,
Nyack, New York 10969

FROM: Orangetown Planning Board

RE: The application of Robert Silarski, applicant for Steve and Loni Kennedy, owners, for Prepreliminary/Preliminary Site Plan Review for an addition to an existing structure at a site located in the Critical Environmental Area, known as “**Kennedy 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 located at 23 Shadyside Avenue, Upper Grandview, New York, Town of Orangetown, Rockland County; and as shown on the Orangetown Tax Map as Section 66.17, Block 1, Lot 11 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 27, 2009**, at which time the Board made the following determinations:

Robert Silarski appeared and testified for the applicant.

1. Project Review Committee Report dated May 20, 2009.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated May 27, 2009.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 20, 2009.
4. Letters from the Rockland County Department of Planning, signed by Eileen Miller, dated May 27, 2009 and Salvatore Corallo, Commissioner of Planning, dated May 22, 2009.
5. Letters from Rockland County Highway Department, signed by Joseph Arena, Principal Engineering Technician, dated April 28 and 29, 2009.
6. A letter from the Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated April 28, 2009.

PB #09-31 – Kennedy Site Plan - Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec. (Critical Environmental Area)

TOWN OF ORANGETOWN PLANNING BOARD DECISION

May 27, 2009

Page 2 of 7

7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated April 29 2009.

8. A letter from the Zoning Board of Appeals, Town of Orangetown, signed by William Mowerson, Chairman, dated May 6, 2009.

9. A Short Environmental Assessment Form signed by Robert Silarski, AIA, dated April 24, 2009.

10. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated May 19, 2009.

11. Plans prepared by S & Co. Architecture & Design, dated March 17, 2009:

A-101: Site Plan

A-102: Foundation Plan

A-103: Floor Plans

A-201: South Elevation

A-202: East & North Elevations

A-301: Wall Section

E-101: RCP & Power Plan

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 Kevin Garvey and seconded by Bruce Bond and carried as follows:

Bruce Bond, aye; John Foody, aye; Jeffrey Golda, absent, William Young, aye, Andy Stewart, aye; Robert Dell, aye and Kevin Garvey, 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 Kevin Garvey and seconded by Bruce Bond and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; Robert Dell, aye; John Foody, aye; Jeffrey Golda, absent and Kevin Garvey, aye the Board declared itself SEQRA Lead Agency.

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

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

PB #09-31 – Kennedy Site Plan - Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec. (Critical Environmental Area)

TOWN OF ORANGETOWN PLANNING BOARD DECISION

May 27, 2009

Page 3 of 7

On motion by Bruce Bond and seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; Andy Stewart, aye; Robert Dell, aye; John Foody, aye; William Young, aye; Jeffrey Golda, absent; and Kevin Garvey, aye the Board made a Negative Declaration.

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

1. The following note shall be placed on the site plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. 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 property's section, block and lot is 66.17-1-11. The site plan has it labeled as 67.17-1-11. The plans shall be revised.
4. The location of utilities, such as sewer line or septic system, shall be shown on the Site Plan.
5. A Total Side Yard variance will need to be sought from the Town of Orangetown Zoning Board of Appeals.
6. The applicant shall make application to the Town of Orangetown Architecture and Community Appearance Board of Review for review and approval of the Site and structure Plans.
7. Because the proposed addition is under 400 square feet, drainage calculations and storm water attenuation is not required.
8. Prior to the start of construction or grading, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control, and submitted to DEME for review and approval.
9. The Tax Lot Numbers for the adjoining properties shall be indicated on the Site Plan.
10. Existing and proposed (if applicable) grading shall be added to the plans.

PB #09-31 – Kennedy Site Plan - Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec. (Critical Environmental Area)

TOWN OF ORANGETOWN PLANNING BOARD DECISION

May 27, 2009

Page 4 of 7

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

There shall be no net increase in peak stormwater runoff rates under a 24-hour, 100-year Type III design storm event.

If 1000 square feet or more of land area will be disturbed, prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.

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

The proposed action shall have no adverse impact upon county roads in the area.

No objection to the Town of Orangetown Zoning Board of Appeals granting this applicant the variances required for the proposed project.

The Planning Board shall ensure a zero net increase in runoff from the site be achieved to minimize any possible adverse impact upon roadways and parcels east of this parcel from Route 9W to the Hudson River

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

14. The Rockland County Department of Health reviewed the plans and found that no approvals are required from the Rockland County Health Department for this application.

15. The New York State Department of Transportation feels the project will have no significant impact on the state transportation system.

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

- Rockland County Department of Planning
- Rockland County Drainage Agency
- Rockland County Department of Highways
- Town of Orangetown Zoning Board of Appeals
- New York State Department of Transportation

17. The following note shall be placed on the site map:

TREE PROTECTION: 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:

PB #09-31 – Kennedy Site Plan – Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec. (Critical Environmental Area)

TOWN OF ORANGETOWN PLANNING BOARD DECISION

May 27, 2009

Page 5 of 7

Continuation of Condition #17.....

- 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.

18. All landscaping shown on the 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.

19. 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.

PB #09-31 – Kennedy Site Plan – Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec. (Critical Environmental Area)

TOWN OF ORANGETOWN PLANNING BOARD DECISION

May 27, 2009

Page 6 of 7

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

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

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

23. 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

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

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

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

The foregoing Resolution was made and moved by Bruce Bond and seconded by John Foody and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, aye and Jeffrey Golda, absent.

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

Dated: May 27, 2009

Town of Orangetown Planning Board

PB #09-31 – Kennedy Site Plan - Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec. (Critical Environmental Area)

TOWN OF ORANGETOWN PLANNING BOARD DECISION

May 27, 2009

Page 7 of 7

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: Kennedy Site Plan - Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec. (Critical Environmental Area)

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 283 North Middletown Road, Pearl River, New York, New York. Tax Map Numbers: 68.12/3/24; in the RG zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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