

**Meeting of May 23, 2012
TOWN OF ORANGETOWN PLANNING BOARD**

MEMBERS PRESENT: Kevin Garvey, Chairperson; William Young; John Foody; Michael Mandel; Robert Dell; Bruce Bond and Jeffrey Golda

MEMBERS ABSENT: None

ALSO PRESENT: John Giardiello, Director, Office of Building, Zoning, Planning Administration and Enforcement, Robert Magrino, Deputy Town Attorney; Deputy Town Attorney; Ann Marie Ambrose, Stenographer and Debbie Arbolino, Administrative Clerk

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

New Item:

Palisades Free Library Site Plan	Final Site Plan	PB #12-25
Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review	Approval Subject	
Palisades Historic District	to Conditions/ Neg. Dec.	
78.17/2/22; R-40 zoning district		

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 William Young and seconded by Michael Mandel and agreed to by all in attendance. The meeting was adjourned at 8:00 p.m. The next Planning Board meeting is scheduled for June 13, 2012.

**DATED: May 23, 2012
Town of Orangetown Planning Board**

**PB #12-25: Palisades Free Library Site Plan - Final Site Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
May 23, 2012**

TO: Jeffrey Small, R.A., 97 Duncan Avenue, Cornwall –on-Hudson,
New York, 12520
FROM: Orangetown Planning Board

RE: Palisades Free Library Site Plan: The application of the Palisades Free Library, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review, at a site known as “Palisades Free Library Site Plan”, located in the Palisades 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 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 19 Closter Road, Palisades, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 78.17, Block 2, Lot 22 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **May 23, 2012** at which time the Board made the following determinations:

Jeffrey Small appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated May 16, 2012.
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 23, 2012.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., May 18, 2012.
4. Letters from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated May 23 & 15, 2012.
5. Letters from Rockland County Department of Planning, signed Thomas B. Vanderbeek, P.E., Commissioner of Planning, dated May 21, 2012.
6. Letters from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated May 7 & 14, 2012
7. Letters from Rockland County Department of Health, signed by Scott McKane. P.E., Senior Public Health Engineer, dated April 30, 2012.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated April 27, 2012.
9. Letters from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, signed by Janet Swentusky, dated May 1, 2012.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated May 2, 2012.
11. A Short Environmental Assessment Form signed by Maria Gagliardi, Director, Palisades Free Library, undated.
12. Plans prepared by Jeffrey Steeholm Small, R.A., dated March 21, 2012, last revision date of April 15, 2012:
 - C1.1: Site Plan
 - A2.1: Elevations
 - A2.2: Elevations

13. Copy of As-Built Survey of Property, dated May 14, 1096, prepared by Steven J. Collazuol, PLS.

14. Submitted at the meeting, computer generated photographs of the existing and proposed Palisades Free Library.

Public Comment: Elena Power, a member of the Palisades Library Board, stated that they were delighted with the improvement to the library.

A motion was made to close the Public Hearing portion of the meeting by William Young and second by Michael Mandel and carried as follows: Bruce Bond, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; John Foody, aye; Jeffrey Golda, 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 William Young and seconded by Michael Mandel and carried as follows: Bruce Bond, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; John Foody, aye; Jeffrey Golda, aye and Kevin Garvey, 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 Jeffrey Small, R.A., and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration, Enforcement and the 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 Planning, Rockland County Department of Highways, Rockland County Sewer District No. 1, Rockland County Department of Health, New York State Department of Environmental Conservation, and having reviewed proposed Plans by prepared by Jeffrey Small, 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.

On motion by Bruce Bond and seconded by John Foody and carried as follows: Bruce Bond, aye; Michael Mandel, aye; Robert Dell, aye; John Foody, aye; William Young, aye; Jeffrey Golda, aye and Kevin Garvey, 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 A FINAL SITE PLAN APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The proposed project is to provide for better accessibility to the existing library.
4. The following variances need to be sought from the Town of Orangetown Zoning Board of Appeals:

	<u>Variance</u>	<u>Allowed</u>	<u>Existing</u>	<u>Proposed</u>
-	Floor Area Ratio	0.15	.30	0.31
	(R-40 Zone District, Table of General Bulk Regulations, Group F, Column 4)			
-	Building Height	4 ft 2 inches		17 ft
	(R-40 Zone District, Table of General Bulk Regulations, Group F, Column 12)			

5. The applicant shall appear before the Town of Orangetown Historic Areas Board of Review.
6. The Short Environmental Assessment Form appears to be in order, expect for Page #1 shall be signed and dated by the applicant/sponsor.
7. The Drainage Consultant to the Planning Board, Brooker Engineering, PLLC, reviewed the submitted documents and it is their opinion that increase in stormwater runoff can be successfully mitigated for this project and therefore recommend that the Palisades Free Library Site Plan be approved for drainage subject to the following comments:

1) The applicant is proposed an increase in impervious area with proposed stormwater detention in the lawn east of the building. Brooker has discussed the conceptual methods for achieving a zero net increase in peak runoff rates with the applicant's engineer and find that increases in stormwater runoff can be mitigated while minimizing site disturbance. Future submissions shall include drainage calculations and mitigations for increases in stormwater runoff that are designed by a professional engineer, Construction details shall be added to the plan as necessary. Roof areas that have been identified as being directed to the stormwater detention system in the narrative shall be clearly shown on the Site Plan.

2) Proposed grading and/or direction of stormwater runoff shall be added to the Site Plan. The proposed grading shall show drainage away from the building addition and the direction of flow of the surface water runoff in the parking lot expansion. The existing first floor of the building shall be added to the site plan and proposed grading from the parking lot to the building shall be shown.

3) Drainage shall be shown for the low point in front of the basement door along the east face of the building. There are presently steps down to the basement door; as per the applicant's engineer's response, this area adequately drains via the crushed stone surface adjacent to the basement door. The new walk is located in front of the basement door and may negatively impact the drainage in this area. The response to this comment contained in the applicant's May 21, 2012 narrative is satisfactory and shall be incorporated into the Final Site Plan.

4) Sediment and erosion control measures and details shall be added to the Site Plan. The response to this comment contained in the applicant's May 21, 2012 narrative is satisfactory and shall be incorporated into the Final Site Plan.

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

1) As indicated in the May 14, 2012 letter from the Rockland County Department of Highways, a Work Permit will be required for the proposed parking lot expansion, and concrete walk adjacent to Closter Road.

2) The Rockland County Department of Planning requests the opportunity to review any variances that may be requested from the Town of Orangetown Zoning Board of Appeals in order to implement the revised Site Plan, as required by New York State General Municipal Law, Section 239-m, (a)(v).

3) The site is located in both a locally designated historic district and a district that is listed on the National Register of Historic Places, Therefore, it is recommended that any new structures or changes to this site be supportive and protective of the historic and architectural values of the site and neighborhood.

4) It is noted that the Bulk Table on the proposed Site Plan indicates that the existing building contains a total of 3770 sq. ft. and that the proposed total building size is 3964 sq. ft, while page two on the review application form indicates a total of 4346 sq. ft. All discrepancies shall be corrected.

9. The Rockland County Health Department (RCDOH) reviewed the plans and found that there are no RCDOH approvals needed for this application.

10. The Rockland County Highway Department reviewed the plans and found the proposed design acceptable as submitted. A Rockland County Highway Department Work Permit will be required for the proposed parking lot expansion and corner walk adjacent to Closter Road, and must be obtained prior to the start of any excavation or construction on site.

11. 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.

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

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

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

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

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

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

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

17. Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of

the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.

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

19. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's

recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).

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

21. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and 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

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

23. 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.

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 §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.

The foregoing Resolution was made and moved by Robert Dell and seconded by William Young and carried as follows: Bruce Bond, aye; Michael Mandel, aye; William Young, aye; John Foody, aye; Robert Dell, aye; Jeffrey Golda, aye and Kevin Garvey, 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 23, 2012

Town of Orangetown Planning Board

Attachment

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

**PB #12-25: Palisades Free Library Site Plan - Final Site Plan Approval
Subject to Conditions/ Neg. Dec.
May 23, 2012**

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: Palisades Free Library Site Plan - Final Site Plan Approval Subject to Conditions/ Neg. Dec.

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Final Site Plan Review

LOCATION: The site is located at 19 Closter Road, Palisades, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 78.17, Block 2, Lot 22 in the R-40 zoning district. Palisades Historic 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