

Town of Orangetown Planning Board
Planning Board Meeting: May 13, 2020

Location: Town of Orangetown, Greenbush Auditorium, 20 South Greenbush Road, Orangeburg, New York **Time: 7:30 P.M.**

Project Name: Karayal Site Plan – Critical Environmental Area

Location of Parcel: The site is located at 1071 Route 9W, Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 10 in the R-22 zoning district.

Rockland County:

- ***Planning Department***
- ***Highway Department***
- ***Park Commission***
- ***Environmental Resources***
- ***Drainage Agency***
- ***Health Dept.***
- **Sewer District No. 1**

Town of Orangetown:

- **Drainage Consultant - Brooker**
- ***OBZPA***
- ***DEME***
- ***Highway***
- ***DTA***
- ***Fire Prevention***
- ***Traffic Advisory Board***

Other:

- ***New York State Department of Environmental Conservation***
- ***Orange and Rockland Utilities***
- ***Suez***
- ***Village of Grandview on Hudson***

Project Description: Final Site Plan Review

Please forward your completed review to this office by date of the Meeting. If your comments are not received by this date, the Board assumes your agency does not have any comments.

**Town of Orangetown
20 South Greenbush Road
Orangeburg, New York 10962**

Date: March 26, 2020

Planning Board Meeting of May 13, 2020, Town of Orangetown

Project Name: Karayal Site Plan – Critical Environmental Area

Location of Parcel: The site is located at 1071 Route 9W, Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 10 in the R-22 zoning district.

Please review the information enclosed and provide comments. These comments may be mailed, e-mailed or faxed to the Planning Board Office.

If your agency does not have any comments at this time, please respond to this office by sending back this sheet.

- **U.S. Postal: 20 South Greenbush Road, Orangeburg, New York 10962**
 - **Email to Planning Board at ccoopersmith@orangetown.com, or**
 - **Fax to the Town of Orangetown Planning Board @845 359-8526**
- () Comments Attached (or to be provided prior to Meeting date noted above)
- () No Comments at this time. Please send future correspondence for review.
- () No future correspondence for this site should be sent to this agency. Plans reviewed and this agency does not have any further comments.
- () This project is out of the jurisdiction of this agency and has no further comments.

Dated: _____

Agency Name

By: _____

Please Print Name

PERMIT EXPIRES TWO (2) YEARS FROM DATE OF ISSUANCE.
TWO SIX (6) MONTH EXTENSIONS MAY BE GRANTED PRIOR TO EXPIRATION DATE.

1001
20.

Critical Environment

APPLICATION FOR BUILDING / DEMOLITION PERMIT

TOWN OF ORANGETOWN

20 Greenbush Road, Orangeburg, NY 10962

Phone: (845) 359-8410 Fax: (845) 359-8526

ZONE: <u>R-22</u> <u>GMLO</u>	OFFICIAL USE ONLY	ACREAGE: <u>.71</u>
Inspector: <u>G</u>	Date App Received: <u>2-14-19</u>	Received By: <u>[Signature]</u>
Permit No. <u>48568</u>	Date Issued: _____	
CO No. _____	Date Issued: _____	
Permit Fee: <u>\$180.-</u>	Ck# <u>2132</u>	Paid By <u>Karayaal</u>
GIS Fee: <u>\$20.-</u>	Ck# <u>2131</u>	Paid By <u>Karayaal</u>
Stream Maintenance Fee	Ck # _____	Paid By _____
Additional Fee: _____	Ck# _____	Date Paid _____
1 st 6 mo. Ext.: _____	Ck # _____	Exp. Date: _____
2 nd 6 mo. Ext.: _____	Ck # _____	Exp. Date: _____

APPLICANT COMPLETES:

Note: See inside for instructions for completing this application,
PAGES 2, 3 and PAGE 4 must be reviewed and PAGES 3 & 4 must signed by the applicant.

Property Location: 1071 Rt 9 W South, Nyack, NY 10960-4905

Section: 71.09 Block: 1 Lot: 10

Property Owner: Necip Onur Karayaal

Mailing Address: 1071 Rt. 9W South NYack, NY, 10960

Email: onur.karayaal@yahoo.com Phone #: 347-453-4477

Lessee (Business Name): E-2 Electric

Mailing Address: _____

Email: _____ Phone #: _____

Type of Business /Use: _____

Contact Person: Necip Onur Karayaal Relation to Project: Home owner

Email: onur.karayaal@yahoo.com Phone#: 347 453 4477

Architect/Engineer: SAGEARCH NYS Lic # 31644

Address: 295 Durham Ave # 210 South Plainfield Phone#: (347) 563-6056

Builder/General Contractor: _____ NJ 07080 RC Lic # _____

Address: _____ Phone#: _____

Plumber: _____ RC Lic # _____

Address: _____ Phone#: _____

Electrician: E-7 Electric RC Lic #: E-00485

Address: 5 Darian Court, Pomona, NY, 10970 Phone#: 845-364-3901

Heat/Cooling: _____ RC Lic#: _____

Address: _____ Phone#: _____

Existing use of structure or land: Residential

Proposed Project Description: Demolition of existing shed roof that is currently in very poor condition and building a 1 story addition above existing shed walls.

Proposed Square Footage: 237 SF Estimated Construction Value (\$): \$2,500

BUILDING DEPARTMENT COMPLETES BELOW

PLANS REVIEWED: _____

PERMIT REFERRED / DENIED FOR:
Chapter 43 Section 10.223, Critical Environmental Area requires Planning Board Approval.
Done by [Signature] 2-25-19

FOR OFFICE USE ONLY SECTION BLOCK LOT NAME PERMIT#

ACABOR #20-09
Karayal Plans – Critical Environmental Area
Approved as Presented

Permit #48568

Town of Orangetown – Architecture and Community Appearance
Board of Review Decision
March 5, 2020
Page 1 of 2

TO: Necip Onur Kayayal, 1071 Route 9W, Upper Grandview, New York
FROM: Orangetown Planning Board

RE: **Karayal Plans:** The application of Necip Onur Karayal, owner, for the review of Structure/ Site/ Plans at a site located in the Critical Environmental Area to be known as “**Karayal Plans**” in accordance with Article 16 of the Town Law of the State of New York and Chapter 2 of the Code of the Town of Orangetown. The site is located at 1071 Route 9W, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 10 in the R-22 zoning district.

Heard by the **Architecture and Community Appearance Board of Review** of the Town of Orangetown at a meeting held **Thursday, March 5, 2020** at which time the Board made the following determinations:

Necip Onur Karayal and Aydan Kalkan appeared and testified.

The Board received the following communications:

- A. A Building Permit Referral dated February 14, 2019 prepared by Rick Oliver, Deputy Building Inspector.
- B. A copy of PB #19-24, Preliminary Site Plan Approval Subject to Conditions, dated October 7, 2019.
- C. Material Specification Sheet.
- D. Plans prepared by Sagearch:
 - T-100: Title Sheet, last revised December 12, 2019
 - T-101: Existing Conditions Photos
 - T-102: Proposed Shed renderings, dated December 15, 2019
 - A-100: Proposed Floor Plan/ Existing & Proposed Elevations, last revised June 5, 2019
 - A-200: Building Section/ Window Elevations, dated January 25, 2019
- E. A letter from Sagearch, dated December 23, 2019, with photographs.

FINDINGS OF FACT:

1. The Board found that the applicant is reconstructing an existing Shed, all colors match the existing house. The siding would be cement board manufactured by James Hardie, or equal, in light mist color (beige tone). The existing landscaping will remain as is, no changes planned. The shed would have wall sconce lighting by the door.
2. The Board found that the foundation would be covered with lattice, similar to the covering on the house foundation.

TOWN OF ORANGETOWN
2020 MAR 11 A 10:11
TOWN CLERK'S OFFICE

ACABOR #20-09
Karaya Plans – Critical Environmental Area
Approved as Presented

Permit #48568

Town of Orangetown – Architecture and Community Appearance
Board of Review Decision
March 5, 2020
Page 2 of 2

The hearing was then opened to the Public. There being no one to be heard from the public, the Public Hearing portion of the meeting was closed.

DECISION: In view of the foregoing and the testimony before the Board, the application was **Approved as Presented**.

The foregoing resolution was presented and moved by Kenyatta Jones Arietta and seconded by Deborah Stuhlweissenburg and carried as follows:
Christopher Dunnigan, Chairman, aye; Shirley Goebel Christie, absent;
Deborah Stuhlweissenburg, aye; Brian Aitcheson, aye; Kenyatta Jones Arietta, aye; Sharon Burke, aye, and Joseph Milillo, 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 Architecture and Community Appearance Board of Review.

Dated: March 5, 2020
Cheryl Coopersmith
Chief Clerk Boards and Commissions



TOWN OF ORANGETOWN
2020 MAR 11 A 10:11
TOWN CLERK'S OFFICE

**PB #19-24: Karayal Site Plan
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #48567

**Town of Orangetown Planning Board Decision
October 7, 2019
Page 1 of 9**

**TO: Necip Onur Karayal, 1071 Route 9W, Nyack, New York 10960
FROM: Orangetown Planning Board**

RE: Karayal Site Plan – Critical Environmental Area: The application of Necip Onur Karayal, owner, for a Prepreliminary/ Preliminary/ Final Site Plan Review of the removal/rebuilding of existing shed and house addition over existing deck at a site known as “Karayal Site Plan – Critical Environmental Area 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 1071 Route 9W, Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 10; in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held May 8 and October 7, 2019 at which time the Board made the following determinations:

May 8, 2019

Necip Onur Karayal and Aydan Kalkan appeared and testified.

The Board received the following communications:

- 1. Project Review Committee Report dated May 1, 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 3, 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 2, 2019.**
- 4. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated April 24, 2019.**
- 5. Letters from Rockland County Department of Health, signed by Elizabeth Mello, P.E., dated May 7, 2019.**
- 6. Letters from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated April 1, 2019 and Joseph Arena, dated April 3, 2019.**
- 7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated April 12, 2019.**
- 8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated April 17, 2019.**

TOWN CLERK'S OFFICE
2019 OCT 25 A 4 03
TOWN OF ORANGETOWN

**PB #19-24: Karayal Site Plan
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #48567

**Town of Orangetown Planning Board Decision
October 7, 2019
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9. Plans prepared by SAGEarch Design Consultant, signed and sealed by Satyen Rawal, R.A., dated January 25, 2019:
- T-100: List of Drawings, Scope of Work & Building Data, Key Plan and Zoning Analysis, Site Plans
 - A-100: Proposed Floor Plan & Existing and Proposed Elevations
10. Land Survey prepared by Robert Sorace, PLS dated December 21, 2017.
11. A Short Environmental Assessment Form signed by Necip Onur Karayal.
12. Building Permit Referral to the Planning Board dated February 14, 2019 prepared by Rick Oliver, Building Inspector.
13. A Project Narrative dated March 23, 2019 prepared by SAGEarch, signed by Satyen Rawal, RA.

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

Public Comment:

Nicholas Buckworth, 1059 Route 9W, Upper Grandview, raised concerns that the shed destroys his view to the north, acknowledging that he doesn't have any legal right to a view. He questioned item #6 of the EAF noting that the use was not consistent with the other uses in the area.

Mr. Buckworth requested that the shed be removed and the site be restored to the condition in which it was, a year ago.

Cheryl Schmidt, 1072 Route 9W, Upper Grandview, expressed concerns regarding the construction of the shed and watched its construction over the past year, wondering why there hasn't been any notification from the Town. Ms Schmidt held that the neighborhood is an area of historic homes and that a shed is out of place, in addition, the shed is obstructing her river view.

The applicant requested a **CONTINUATION**.

October 7, 2019

Necip Onur Karayal and Aydan Kalkan appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated October 2, 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 October 4, 2019.
3. A letter from the New York State Department of Transportation, signed by Barbara Knisell, Assistant Engineer, dated May 16, 2019.

TOWN OF ORANGETOWN
2019 OCT 25 A 9:04
TOWN CLERK'S OFFICE

**PB #19-24: Karayal Site Plan
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #48567

**Town of Orangetown Planning Board Decision
October 7, 2019
Page 3 of 9**

4. Plans prepared by SAGEarch Design Consultant, signed and sealed by Satyen Rawal, R.A., dated January 25, 2019:
- T-100: List of Drawings, Scope of Work & Building Data, Key Plan and Zoning Analysis, Site Plans, revised June 5, 2019
 - A-100: Proposed Floor Plan & Existing and Proposed Elevations, revised June 5, 2019
 - A-200: Building Section & Window Elevations
5. A letter from Arabella and Nicholas Buckworth, 1059 Route 9W, West Nyack, New York, received October 2, 2019, with attachments.

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

Public Comment:

Nicholas Buckworth, 1059 Route 9W, Upper Grandview, submitted additional photographs to the Board. He questioned the safety of the shed's foundation and the fact that it has windows. Mr. Buckworth held that the new plans do not seem any different than the prior plans and believed that this structure may be used for more than a storage room. He held that the amount of damage to undo the construction would be di minimus for Mr. Kayayal.

Cheryl Schmidt, 1072 Route 9W, Upper Grandview, expressed concerns that only one person has come to view the project site. She held that if the Board saw how the shed was situated on the site, they would understand the situation. Ms Schmidt also held that this type of construction was an extremely un-neighborly thing to do on the site.

Arabella Buckworth, 1059 Route 9W, Upper Grandview, expressed concerns that the proposed construction is out of character with the neighborhood.

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

TOWN CLERK'S OFFICE
2019 OCT 25 A 9 04
TOWN OF ORANGETOWN

**PB #19-24: Karaya Site Plan
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #48567

**Town of Orangetown Planning Board Decision
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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 applicant's consultant SAGEarch and 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, and having reviewed the drawings presented by the applicant's professional consultant; SAGEarch, 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 OCT 25 A 9 04
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**Town of Orangetown Planning Board Decision
October 7, 2019
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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 William Young and second by Michael McCrory and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Bruce Bond, absent; Robert Dell, absent; Stephen Sweeney, 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:**

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.

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**Town of Orangetown Planning Board Decision
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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 application is for the legalization of an addition of a second floor to an existing shed that was constructed without a building permit.
5. The total area of disturbance shall be added to the plan. If the total amount of new impervious is greater than 400 sq. ft., stormwater quality controls, designed by a NYS Licensed Professional Engineer, shall be designed, up to the 100 yr. Storm for the site plan.
6. The existing septic system or sanitary house connection location shall be shown on the plan.
7. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - A review must be completed by the New York State Department of Transportation, any comments or concerns addressed and required permits obtained.
 - A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
 - The Village of Grand View-on-Hudson is one of the reasons this proposal was referred to the Rockland County Department of Planning for review. The municipal boundary is along the eastern property line of the site. As required under Section 239n of the State General Municipal Law, the Village must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Town of Orangetown.
8. Rockland County Highway Department (RCHD) reviewed the information submitted and offered the following comments:
 - The proposed action would have a de-minimis impact upon the County Highway System. Therefore, the department poses no objection to the local determination unless major changes are proposed to the site plan in the future.

TOWN CLERK'S OFFICE

2019 OCT 25 A 9 04

TOWN OF ORANGETOWN

**PB #19-24: Karayal Site Plan
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #48567

**Town of Orangetown Planning Board Decision
October 7, 2019
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9. Rockland County Department of Health (RCDOH) reviewed the information submitted and offered the following comments:
- Should the Board require a stormwater management system to remediate the increase in impervious coverage, application is to be made to the RCDOH for review of the system for compliance with the County Mosquito Code.
10. The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.
11. The 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 Department of Health
12. 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.
13. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
14. **TREE PROTECTION:** The following note shall be placed on the Site Plan: The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:
- 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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2019 OCT 25 A 9 04
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
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Continuation of Condition #14...

- One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.
- The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

15. All 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. 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.

TOWN CLERK'S OFFICE
2019 OCT 25 4 04
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**PB #19-24: Karayal Site Plan
Critical Environmental Area
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Neg. Dec.**

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Town of Orangetown Planning Board Decision

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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 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).

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.

The foregoing Resolution was made and moved by William Young and second by Stephen Sweeney and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Bruce Bond, absent; Robert Dell, absent; Stephen Sweeney, aye, 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: October 7, 2019
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown Planning Board

Attachment



TOWN CLERK'S OFFICE
2019 OCT 25 A 9 04
TOWN OF ORANGETOWN

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

**PB #19-24: Karayal Site Plan
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #48567

**Town of Orangetown Planning Board Decision
October 7, 2019**

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: Karayal Site Plan - Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.**

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

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 1071 Route 9W, Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 10; 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 OF ORANGETOWN