

**Town of Orangetown Planning Board Meeting**  
**Wednesday, June 10, 2020**

**Time:** 7:30 p.m.

**Project Name:** 89 Western Highway Playground Site Plan (Noble 9<sup>th</sup> German Masonic Park) – Final Review

**Location of Parcel:** The site is located at 89 Western Highway, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.06, Block 3, Lot 13 in the R-15 zoning district.

**Distribution:**

**Rockland County:**

- **Planning Department**
- **Highway Department**
- **Park Commission**
- **Environmental Resources**
- **Drainage Agency**
- **Health Dept.**
- **Sewer #1**

**Town of Orangetown:**

- **Drainage Consultant**
- **OBZPA**
- **DEME**
- **Highway**
- **DTA**
- **Fire Prev. (2)**
- **TAB**

**Other:**

- **New York State Department of Environmental Conservation**
- **U.S. Army Corps of Engineers**
- **Orange and Rockland Utilities**
- **CSX Railroad**

**Project Description:** Final Site Plan Review

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

Name of Municipality: TOWN OF ORANGETOWN Date Submitted: 4-20-2020

2020 LAND USE BOARD APPLICATION

Please check all that apply:

<input type="checkbox"/> Commercial	<input type="checkbox"/> Residential
<input type="checkbox"/> Planning Board	<input type="checkbox"/> Historical Board
<input type="checkbox"/> Zoning Board of Appeals	<input type="checkbox"/> Architectural Board
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Consultation
<input type="checkbox"/> Number of Lots	<input type="checkbox"/> Pre-Preliminary/Sketch
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Preliminary
<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Final
<input type="checkbox"/> Special Permit	<input type="checkbox"/> Interpretation
<input type="checkbox"/> Variance	
<input type="checkbox"/> Performance Standards Review	
<input type="checkbox"/> Use Variance	
<input type="checkbox"/> Other (specify): _____	

PERMIT#: \_\_\_\_\_  
 ASSIGNED \_\_\_\_\_  
 INSPECTOR: \_\_\_\_\_

Referred from Planning Board: YES / NO  
 If yes provide date of Planning Board meeting: \_\_\_\_\_

Project Name: NEW PLAYGROUND

Street Address: 89 WESTERN HWY  
TAPPAN, NY 10983

Tax Map Designation:  
Section: 77.06 Block: 03.00 Lot(s): 013.000  
Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot(s): \_\_\_\_\_

Directional Location:  
On the REAR side of PROPERTY, approximately 150 feet of \_\_\_\_\_ of the intersection of GREENBUSH & CONSOLIDATED RAIL CORP, in the Town of ORANGETOWN in the hamlet/village of \_\_\_\_\_

Acreage of Parcel <u>7.82 AC.</u>	Zoning District _____
School District _____	Postal District _____
Ambulance District _____	Fire District _____
Water District _____	Sewer District _____

Project Description: (If additional space required, please attach a narrative summary.)  
TO REMOVE AND DISPOSE EXISTING PLAYGROUND, - PROPOSE NEW PLAYGROUND AT 100' FROM PROPERTY LINE TO CONFIRM W/ ZONING. Provide New CONCRETE FOOTING CURB/WALL, FENCE, LIGHT POLES, BENCHES, TRASH RECYCLE. REMOVE & REPLACE 6' HIGH CLFENCE

The undersigned agrees to an extension of the statutory time limit for scheduling a public hearing.

Date: 4-16-2020 Applicant's Signature: [Signature]

APPLICATION REVIEW FORM

Applicant: ROHEL VINTIHILLA ON BEHAVE OF THE NOBLE 9<sup>th</sup> Phone # 631-835-3958

Address: 336 JAYNE BLVD PORT JEFFERSON STATION NY 11776

Property Owner: THE NOBLE NINTH INC Phone #

Address: 1070 MIDDLE COUNTRY RD SUITE 7-102 SELDEN NY 11784

Engineer/Architect/Surveyor: BRIAN COLLINS Phone # 1914-447-3769

Address: 59 WILLOW ST. GARDEN CITY NY 11530

Attorney: Phone #

Address: Street Name & Number (Post Office) City State Zip Code

Contact Person: ROHEL VINTIHILLA Phone # 631-835-3958

Address: 336 JAYNE BLVD PORT JEFFERSON STATION NY 11776

GENERAL MUNICIPAL LAW REVIEW:

This property is within 500 feet of: (Check all that apply)

IF ANY ITEM IS CHECKED, A REVIEW MUST BE DONE BY THE ROCKLAND COUNTY COMMISSIONER OF PLANNING UNDER THE STATE GENERAL MUNICIPAL LAW, SECTIONS 239 L, M, N, AND NN.

- State or County Road, Long Path, Municipal Boundary, State or County Park, County Stream, County Facility

List name(s) of facility checked above:

Referral Agencies:

- RC Highway Department, RC Drainage Agency, NYS Dept. of Transportation, NYS Thruway Authority, Adjacent Municipality, Other, RC Division of Environmental Resources, RC Dept. of Health, NYS Dept. of Environmental Conservation, Palisades Interstate Park Commission

# APPLICATION REVIEW FORM

## FILL IN WHERE APPLICABLE.

( IF THE FOLLOWING DOES NOT APPLY PLEASE MOVE ON TO THE NEXT PAGE )

### If subdivision:

- 1) Is any variance from the subdivision regulations required? \_\_\_\_\_
- 2) Is any open space being offered? \_\_\_\_ If so, what amount? \_\_\_\_\_
- 3) Is this a standard or average density subdivision? \_\_\_\_\_

### If site plan:

- 1) Existing square footage \_\_\_\_\_
- 2) Total square footage \_\_\_\_\_
- 3) Number of dwelling units \_\_\_\_\_

If **special permit**, list special permit use and what the property will be used for.

\_\_\_\_\_  
\_\_\_\_\_

### Environmental Constraints:

Are there **slopes greater than 25%**? If yes, please indicate the amount and show the gross and net area \_\_\_\_\_

Are there **streams** on the site? If yes, please provide the names. \_\_\_\_\_

Are there **wetlands** on the site? If yes, please provide the names and type:  
\_\_\_\_\_  
\_\_\_\_\_

### Project History:

Has this project ever been reviewed before? YES

If so, provide a narrative, including the list case number, name, date, and the board(s) you appeared before, and the status of any previous approvals.

PERMIT # 49349 THE ITEM OBTAIN PRELIMINARY SITE PLAN APPROVAL WITH CONDITIONS BACK ON JANUARY 29, 2020. PLANNING MEETING. ALSO IT WAS DECIDE TO WAIVED ARCHITECTURAL REVIEW BOARD

List tax map section, block & lot numbers for all other abutting properties in the same ownership as this project.

77.06 - 03.00 - 013    77.06 - 03.00 - 023.000 AND  
77.10 - 02.00 - 07

German Masonic Park

89 Western Hwy

77.06-03-13.1

Permit # 49349

#### SCOPE OF WORK

To remove and dispose of existing playground equipment in order to make the new playground handicap accessible and set the new playground equipment 100' from property line in order to meet zoning requirements. While doing this task, the following items will include:

- 1) Remove existing playground, regrade disturbed area and reseed.
- 2) Establish the new playground 100' from property line.
- 3) Provide temporary fence, tree protection and soil erosion control
- 4) Provide perimeter concrete curb/wall footing in order to have a level ground.
- 5) Provide a 4' high chain-link fence and two double drive gates along the perimeter concrete wall/curb.
- 6) Provide 6 light poles to be at the perimeter wall/curb.
- 7) Provide sidewalks for handicap access.
- 8) Provide trench drawing drain to satisfy storm water.
- 9) Provide 1'-0" thick engineering wood chips.
- 10) Provide new playground equipment.
- 11) Provide new park benches.
- 12) Provide new trash receptacles.
- 13) Regrade all disturbed areas and reseed.
- 14) As per conditions, remove existing 6' high chain link fence with barb wire at rear of property and regrade and seed it as required.
- 15) Provide new 6' high chain link fence without barb wire along rear property line. Any disturbance done to be graded at actual conditions and reseeded.
- 16) Provide handicap parking, handicap signs, car stops, and bollards.

As per the planning board hearing back on January 29, 2020, the following was established.

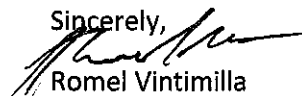
- Obtained preliminary site approval with conditions.
- The architectural review board was waived.

#### Conditions

The following was requested by the board:

- 1) To replace the existing 6' high chain link fence with barb wire at rear of property with new 6' high chain link fence without barbwire from corner to corner of property.
- 2) To provide at least one handicap parking space.
- 3) To reflect all the comments and revisions to the contract drawings.
- 4) To provide full set of plans.

Sincerely,



Romel Vintimilla

**PB #20-09: 86 Western Highway  
Playground Site Plan  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

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**TO: Romel Vintimilla, 336 Jayne Boulevard, Port Jefferson Station, New  
York 11776**  
**FROM: Orangetown Planning Board**

**RE: 89 Western Highway Playground Site Plan:** The application of Rohel Vintimilla, applicant, for The Noble 9<sup>th</sup> German Masonic Park, owner, for a Prepreliminary/ Preliminary, Final Site Plan Review. The site is to be known as "89 Western Highway Playground 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 89 Western Highway, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.06, Block 3, Lot 13; in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **January 29, 2020** at which time the Board made the following determinations:

Romel Vintimilla appeared and testified.

The Board received the following communications:

1. A Project Review Report dated January 22, 2020.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated January 24, 2020.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 24, 2020.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated January 28, 2020.
5. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated December 27, 2019.
6. Letters from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated December 20 & 23, 2019.
7. Letters from Rockland County Department of Health, signed by Elizabeth Mello, P.E., dated January 27, 2020.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated January 14, 2020.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Patrica Castelli, Acting Chair dated January 8, 2020.

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10. Emails from Michael Bettmann, Chief, Bureau of Fire Prevention, Town of Orangetown, dated January 22 & 29, 2020.
11. Notice from Suez signed by Bill Prehoda, dated December 31, 2019.
12. A Project Narrative prepared by Romel Vintimilla, Civil Engineer, Construction Management Engineer, Northern Civil and Draft Inc., dated November 1, 2019.
13. Survey plan prepared by Northern Civil and Draft Inc., dated July 5, 2019, revised October 25, 2019.
14. Site and Construction Plans prepared by Northern Civil and Draft Inc., dated September 18, 2019, unless noted:
  - A-1: New Survey of Existing Park
  - A-2: New Work Areas of Playground & Handicap Ramp
  - A-3: Playground Layout Plan
  - A-4: Playground Assemblies
  - A-5: Playground Assemblies
  - A-6: Playground Assemblies
  - A-7: Bench Details
  - A-8: Typical Trash Receptacles
  - A-9: Typical Footing Details
  - A-10: Concrete Layout Plan
  - A-11: Typical Footing Details
  - A-12: Typical Footing Details
  - A-13: Future Light Poles if Required
  - A-14: Future Ornamental Fence if Required
  - A-15: Existing Bathroom Slab Removal
  - A-16: Handicap Access Ramp to Bathrooms
  - A-17: Typical Footing Details
  - A-18: Typical Handicap Rail and Guard Rail
  - E-1: Electrical conduit Plan Layout, dated September 10, 2019
15. A Short Environmental Assessment Form signed by Rohel Vintimilla, dated October 21, 2019.
16. Building Permit Referral to the Planning Board dated September 24, 2019 prepared by Rick Oliver, Building Inspector.

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

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

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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 Stephen Sweeney and second by Andrew Andrews and carried as follows: Thomas Warren - Chairman, absent; William Young- Vice Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye; Bruce Bond, absent; Robert Dell, aye; Stephen Sweeney, aye, and Michael McCrory, aye, the Board declared itself Lead Agency.

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, 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 Sewer District #1, Rockland County Department of Health, and having reviewed the drawings presented by the applicant's professional consultant; 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;

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- 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 Michael Mandel and second by Michael McCrory and carried as follows: Thomas Warren - Chairman, absent; William Young- Vice Chairman, aye; Michael Mandel, aye; Michael McCrory, aye; Robert Dell, aye; Stephen Sweeney, aye; Bruce Bond, absent, and Andrew Andrews, 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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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. An enlarged plan of the playground shall be provided showing proposed playground equipment with dimensional information and location for fencing.
5. There is a detail shown for a light pole. Please note on the Site Plan, the number of light poles that are proposed and the proposed locations.
6. The applicant shall study the east side of the property line (by the railroad tracks) and consider adding a minimum of a 6-foot high chain link fence from corner to corner. If the Board is not in agreement with the selection of fencing, a fence shall be selected by the Board.
7. The plan shall note the area where the existing playground is to be removed as "regraded and seeded."
8. The total area of disturbance shall be listed on the plans.
9. A comparison showing the existing impervious vs. the proposed impervious areas shall be listed in table form on the plan.
10. Soil erosion and sediment control plans and details shall be submitted to DEMA for review and approval.
11. All proposed grading shall be shown on the plans, if applicable.
12. **Drainage Review Recommendation – Brooker Engineering**  
The proposed action does not exceed the typical thresholds that require mitigation for potential significant adverse impacts with respect to drainage. The Drainage Consultant, Brooker Engineering, therefore recommends that the 89 Western Highway Playground Site Plan be approved for drainage subject to the following comments.

**Project Description**

This is the first drainage review report for this application. The property is the German Masonic Park located along the east side of Western Highway just south of Greenbush Road. The proposed work consists of the removal of an existing playground and replacement with a new playground at about the same location. The proposed playground surface consists of wood fiber over crushed stone and contains approximately 280 square feet of new sidewalks. The proposed land disturbance is located along the east side of the parcel, and stormwater runoff flows east toward the railroad.

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**Continuation of Condition #12...**

**Project Comments**

1. Add existing and proposed contours to Drawing A-2.
2. Label and dimension new sidewalks and impervious areas on Drawing A-2. Provide the total new impervious area. Add the total land disturbance as a map note.
3. Show proposed grading within and adjacent to the playground. Provide a swale along the west (uphill) side of the playground to direct stormwater runoff around the playground. The Drainage Consultant recommends a part plan of this area be provided at a larger scale.
4. The perimeter of the playground contains a concrete curb that is above existing grade as per the typical detail. Proposed grading shall be shown on the Drawing A-2 to reflect the intent of the typical detail.
5. Show the proposed underdrains on Drawing A-10 on the Site Plan on Drawing A-2.

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

- The applicant must comply with the comments made by the Rockland County Highway Department in its letter of December 20, 2019.
- A review must be completed by the Rockland County Department of Health, any comment or concerns addressed and any required permits obtained.
- The project narrative states that variance is being sought for the relocation of the existing playground. It further explains that the playground will be installed at a setback of 100 feet to comply with the zoning standards. In addition, the third paragraph of the project narrative, as well as all other application materials, indicate a new playground will be installed, rather than the existing one being relocated. It must be clarified whether a variance is being sought and if the existing playground is being relocated, or if a new one is being installed.
- Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Standards for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- A lighting plan shall be provided that show fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- The Site Plan must contain a vicinity map that has a north arrow and scale.

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14. The Rockland County Department of Health reviewed the information and offered the following comments;

- Should the Board require a stormwater management system to remediate the increase in impervious surface, application is to be made to the Rockland County Department of Health for review of the system for compliance with the County Mosquito Code.

15. A Rockland County Highway Department (RCHD) reviewed the information submitted and offered the following comments:

- A road work permit shall be obtained from the Rockland County Highway Department prior to starting construction work in the site.

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

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

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

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

19. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.

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

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

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**Continuation of Condition #20...**

- 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.

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

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

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

**24.** If the applicant, during the course of construction of any required public improvements or private sanitary or storm sewer improvements, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately

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**Continuation of Condition #24...**

to DEME. The applicant (or the applicant's engineer) shall submit their recommendations as to the special treatment or design modification to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's (applicant's engineer's) recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's (applicant's engineer's) disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Federal Wetlands - U.S. Army Corps of Engineers).

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

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.

**Override**

The Board made a motion to override Condition 6 of the December 27, 2019 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

- #6. A bulk table shall be provided that show compliance with the bulk standards of the R-15 zoning district.

The Board held that a Bulk Table was not required for this site since the site is large and is in compliance with the Town of Orangetown Zoning code.

A motion to override the condition was made and moved by Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, absent; William Young- Vice Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye; Bruce Bond, absent; Robert Dell, aye; Stephen Sweeney, aye, and Michael McCrory, aye.

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**ACABOR**

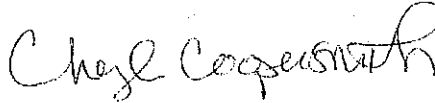
The Planning Board granted a waiver of the Architecture and Community Appearance Board of Review.

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

The foregoing Resolution was made and moved by Stephen Sweeney and second by Michael Mandel and carried as follows: Thomas Warren - Chairman, absent; William Young- Vice Chairman, aye; Michael Mandel, aye; Michael McCrory, aye; Robert Dell, aye; Stephen Sweeney, aye; Bruce Bond, absent, and Andrew Andrews, 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: January 29, 2020  
Cheryl Coopersmith  
Chief Clerk Boards and Commissions**  
Attachment



TOWN OF ORANGETOWN  
2020 FEB 27 P 2: 28  
TOWN CLERK'S OFFICE

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

**PB #20-09: 86 Western Highway  
Playground Site Plan  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #49349**

**Town of Orangetown Planning Board Decision  
January 29, 2020**

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: Western Highway Playground 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 89 Western Highway, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.06, Block 3, Lot 13; in the R-15 zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

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

TOWN OF ORANGETOWN  
JAN 30 2020 10:11 AM  
OFFICE OF BUILDING, ZONING AND PLANNING



German Masonic Park

89 Western Hwy

77.06-03-13.1

Permit # 49349

### SCOPE OF WORK

To remove and dispose of existing playground equipment in order to make the new playground handicap accessible and set the new playground equipment 100' from property line in order to meet zoning requirements. While doing this task, the following items will include:

- 1) Remove existing playground, regrade disturbed area and reseed.
- 2) Establish the new playground 100' from property line.
- 3) Provide temporary fence, tree protection and soil erosion control
- 4) Provide perimeter concrete curb/wall footing in order to have a level ground.
- 5) Provide a 4' high chain-link fence and two double drive gates along the perimeter concrete wall/curb.
- 6) Provide 6 light poles to be at the perimeter wall/curb.
- 7) Provide sidewalks for handicap access.
- 8) Provide trench drawing drain to satisfy storm water.
- 9) Provide 1'-0" thick engineering wood chips.
- 10) Provide new playground equipment.
- 11) Provide new park benches.
- 12) Provide new trash receptacles.
- 13) Regrade all disturbed areas and reseed.
- 14) As per conditions, remove existing 6' high chain link fence with barb wire at rear of property and regrade and seed it as required.
- 15) Provide new 6' high chain link fence without barb wire along rear property line. Any disturbance done to be graded at actual conditions and reseeded.
- 16) Provide handicap parking, handicap signs, car stops, and bollards.

As per the planning board hearing back on January 29, 2020, the following was established.


- Obtained preliminary site approval with conditions.
- The architectural review board was waived.

#### Conditions

The following was requested by the board:

- 1) To replace the existing 6' high chain link fence with barb wire at rear of property with new 6' high chain link fence without barbwire from corner to corner of property.
- 2) To provide at least one handicap parking space.
- 3) To reflect all the comments and revisions to the contract drawings.
- 4) To provide full set of plans.

Sincerely,



Romel Vintimilla