

TOWN OF ORANGETOWN PLANNING BOARD
Meeting of Wednesday, January 29, 2020

MEMBERS PRESENT:

William Young, Vice-Chairman
Michael Mandel
Michael McCrory
Andrew Andrews
Stephen Sweeney
Robert Dell

MEMBER ABSENT: Thomas Warren, Chairman and Bruce Bond (alternate)

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

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

PB #20-06: St. Thomas Aquinas College Site Plan
Recommendation to the Town Board to Establish the Term and Value of the Performance Bond
125 Route 340, Sparkill
74.16/1/1 & 74.12/1/29; R-40 zoning district
Recommended to the Town Board

PB #20-07: Maloney Subdivision Plan
Request for two 90 day Extensions to file the Subdivision Plat at the Rockland County Clerk's Office
60 Fischer Avenue, Pearl River
68.11/2/70; R-15 zoning district
Granted Two 90 Extensions

PB #20-08: Maloney Subdivision Plan
Recommendation to the Town Board to Establish the Term and Value of the Performance Bond
60 Fischer Avenue, Pearl River
68.11/2/70; R-15 zoning district
Recommended to the Town Board

Continued Item from the November 13, 2019 Meeting:

PB #19-20: 1050 Route 9W Site Plan
Critical Environmental Area
Prepreliminary/Preliminary/ Final Site Plan
and SEQRA Review
1050 Route 9W, Upper Grandview
71.09/1/28; R-22 zoning district
Postponed to February 26, 2020 Meeting

301140 S.KR373 NM01
22:2 P L2 831 0702
NM013GNV90 30 NM01

January 29, 2020 Planning Board Meeting

Continued item from the December 11, 2019 Meeting:

PB #19-79: Chizinski Subdivision Plan
Prepreliminary/ Preliminary/ Final
Subdivision Plan and SEQRA Review
317 Orangeburg Road, Pearl River
69.17/2/42; R-15 zoning district

**Final Subdivision
Plan Approval
Subject to
Conditions
Neg. Dec.**

New Items:

**PB #20-09: 89 Western Highway
Playground Site Plan**
Noble 9th German Masonic Park
Prepreliminary/ Preliminary/ Final
Site Plan and SEQRA Review
89 Western Highway, Tappan
77.06/3/13; R-15 zoning district

**Preliminary Site
Plan Approval
Subject to
Conditions
Neg. Dec.**

PB #20-10: Hyun Site Plan
Critical Environmental Area
Prepreliminary/ Preliminary/ Final
Site Plan and SEQRA Review
161 Tweed Boulevard, Sparkill
75.09/1/3; R-22 zoning district

**Continued: Revise
Plans**

PB #20-11: Linen Choice Site Plan Amendment
Prepreliminary/ Preliminary/ Final Site Plan
Site Plan Amendment to PB#18-10
and SEQRA Review
57 Troop Road, Blauvelt
70.18/2/17; LI zoning district

Postponed

The decisions of the January 15, 2020 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Stephen Sweeney and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, absent; William Young - Vice-Chairman, aye; Michael Mandel, aye; Stephen Sweeney, aye; Robert Dell, aye; Michael McCrory, aye; Bruce Bond, absent and Andrew Andrews, aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Stephen Sweeney and seconded by Michael Mandel and agreed to by all in attendance. The meeting was adjourned at 9:35 p.m. The next Planning Board meeting is scheduled for February 12, 2020.

DATED: January 29, 2020

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



301140 S.KR373 MM01

32:2 4 L2 834 0202

MM0130NVR0 JO MM01

**PB #20-06: St. Thomas Aquinas
College Site Plan**

**Permit #48423
Tracking # 20-01-74.16:1:1**

**Recommendation to the Town Board
To Establish the Term and Value of the Performance Bond**

**Town of Orangetown Planning Board Decision
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**TO: John Atzl, PLS, 234 North Main Street, New City, New York
FROM: Orangetown Planning Board**

RE: Saint Thomas Aquinas College Dormitory Site Plan: The application of Joseph Donni, applicant for St. Thomas Aquinas College, owner, for a Recommendation to the Town Board to Establish the Value and Term of the Performance Bond a site to be known as "**Saint Thomas Aquinas College Dormitory 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. The site is located at 125 Route 340, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.12, Block 1, Lot 29 and Section 74.16, Block 1, Lot 1 in the R-40 zoning district.

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

The Board received the following communications:

1. Project Review Committee Report dated January 22, 2020.
2. 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. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 15, 2020.
4. An email from Atzl, Nasher & Zigler, dated January 17, 2020.

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

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

3011JFO S,KRKTQ NM01
E 2 : 2 P L 2 831 0702
NM01E3NVAJ0 JO NM01

PB #20-06: St. Thomas Aquinas
College Site Plan
Recommendation to the Town Board
To Establish the Term and Value of the Performance Bond

Permit #48423
Tracking # 20-01-74.16:1:1

Town of Orangetown Planning Board Decision
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RECOMMENDATION: In view of the foregoing, the Planning Board
Recommended to the **Orangetown Town Board** the value and term of the
Performance Bond in accordance with the Interdepartmental memorandum from
the Department of Environmental Management and Engineering (DEME), Town
of Orangetown, signed by Bruce Peters, P.E., dated January 15, 2020.

The term of the Performance Bond shall not exceed two (2) years as set forth in
Section 21A-10 of the Town of Orangetown Town Code, which shall be on or
before January 29, 2022 and Subject to the Following Conditions:

<u>ITEM</u>	<u>COST</u>
As-Built Drawings	\$ 7,200.00
Sanitary Sewers	327,500.00
	<u>Sub-Total \$ 334,700.00</u>
Administrative Close-out (15% of Sub-Total)	\$ 50,205.00
	<u>Total Bond \$ 384,905.00</u>

Inspection Fee:

(3% of Sub Total of original bond amount) \$11,547.15

To be submitted to DEME prior to Signing the Site Plan.

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

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

DATED: January 29, 2020
Cheryl Coopersmith
Chief Clerk Boards and Commissions



301550 S. NR373 NM01

07:24 L2 031 0202

MM013GNVRO JO NM01

PB #20-07: Maloney Subdivision Plan Granted two 90-day Extensions to File the Subdivision with the Rockland County Clerk's Office

Town of Orangetown Planning Board Decision
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TO: Jay Greenwell, PLS, 85 Lafayette Avenue, Suffern, New York
FROM: Town of Orangetown Planning Board

RE: Maloney Subdivision Plan: The application of Michael Maloney, owner, for two 90-day Extensions to File the Subdivision Plan with the Rockland County Clerk's Office at a site to be known as "**Maloney Subdivision 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 21 of the Code of the Town of Orangetown. The site is located at 60 Fischer Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.11, Block 2, Lot 70 in the R-15 zoning district.

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

The Board received the following communications:

1. Project Review Committee 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., AIA, 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 22, 2020.

The Board reviewed the plan. The meeting was then open to the public.

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

CEJFFO S.MR3713 MM01

32:2 12B31 0202

MM013GNV90 JO MM01

PB #20-07: Maloney Subdivision Plan Granted two 90-Day Extensions to File the Subdivision with the Rockland County Clerk's Office

Town of Orangetown Planning Board Decision

January 29, 2020

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DECISION: In view of the foregoing, the Board **GRANTED** two 90-Day Extensions to File the Subdivision Plan with the Rockland County Clerk's Office.

The foregoing Resolution 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; Robert Dell, aye; Michael McCrory, aye; Andrew Andrews, aye; Stephen Sweeney, aye, and Bruce Bond, absent.

The Clerk of 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 this Office of the Planning Board.

Dated: January 29, 2020

Cheryl Coopersmith



Chief Clerk Boards and Commissions

Town of Orangetown Planning Board

TOWN CLERK'S OFFICE

FEB 27 12 53 PM '20

TOWN OF ORANGETOWN

Recommendation to the Town Board
To Establish the Term and Value of the Performance Bond

Town of Orangetown Planning Board Decision
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TO: Jay Greenwell, 85 Lafayette Avenue, Suffern, New York
FROM: Orangetown Planning Board

RE: Maloney Minor Subdivision: The application of Michael Maloney, owner, for a Recommendation to the Town Board to Establish the Value and Term of the Performance Bond at a site to be known as "**Maloney Minor Subdivision 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 21 of the Code of the Town of Orangetown. The site is located at 60 Fisher Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.11, Block 2, Lot 70 in the R-15 zoning district.

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

The Board received the following communications:

1. Project Review Committee Report dated January 22, 2020.
2. 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. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 14, 2020.

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

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

301330 S.MR370 MM01

22:2 2 L2 931 0202

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Recommendation to the Town Board
 To Establish the Term and Value of the Performance Bond

Town of Orangetown Planning Board Decision

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RECOMMENDATION: In view of the foregoing, the Planning Board Recommended to the Orangetown Town Board the value and term of the Performance Bond in accordance with the Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 14, 2020.

The term of the Performance Bond shall not exceed two (2) years as set forth in Section 21A-10 of the Town of Orangetown Town Code, which shall be on or before January 29, 2022 and Subject to the Following Conditions:

<u>ITEM</u>	<u>COST</u>
Iron Pins	\$ 900.00
As-Built Drawings	3,600.00
Storm Drainage	82,405.00
Soil Erosion & Sediment Control	22,920.00

Sub-Total \$ 109,805.00

Administrative Close-out
 (20% of Sub-Total) \$ 21,961.00

Total Bond \$ 131,766.00

Inspection Fee:

(3% of Sub Total of original bond amount) \$ 3,294.15

To be submitted to DEME prior to Signing the Site Plan.

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

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

DATED: January 29, 2020

Cheryl Coopersmith
 Chief Clerk Boards and Commissions



3011FD S.KR37Q NAO1

02 2 21 17 03J 0202

MA0139NVA0 J0 NAO1

**PB #19-79: Chizinski Minor Subdivision Plan
Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

Town of Orangetown Planning Board Decision

January 29, 2020

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TO: Jay Greenwell, 85 Lafayette Avenue, Suffern, New York 10901
FROM: Orangetown Planning Board

RE: Chizinski Subdivision Plan, a continued item: The application of Jan Chizinski, owner, for Prepreliminary/ Preliminary/ Final Subdivision Plan Review. The site is to be known as “**Chizinski Subdivision 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 21 of the Code of the Town of Orangetown. The Planning Board shall also 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 317 Orangeburg Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.17, Block 2, Lot 42; in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, December 11, 2019 and January 29, 2020**, the Board made the following determinations:

December 11, 2019

Jay Greenwell and Jan Chizinski appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated December 4, 2019.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement (OBZPAE), Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated December 9, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., December 5, 2019.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated December 9, 2019.
5. Letters from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated December 3, 2019.
6. A letter from Rockland County Department of Highway, signed by Dyan Rajasingham, Engineer II, dated October 25, 2019.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated December 4, 2019.
8. A letter from the New York State Department of Environmental Conservation, signed by Christina Pacella, Division of Permits, Region 3, dated October 29, 2019.
9. A letter from the Town of Orangetown Zoning Board of Appeals signed by Dan Sullivan, Chair, dated November 6, 2019.

301440 S.XR373 NM01

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NM013GNVRO JO NM01

**PB #19-79: Chizinski Minor Subdivision Plan
Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

Town of Orangetown Planning Board Decision

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10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated September 16, 2019.
11. Subdivision Plans of Property for Chizinski prepared by Jay Greenwell, PLS, dated August 29, 2019:
 - Sheet 1 of 3: Subdivision
 - Sheet 2 of 3: Grading, Drainage & Utility Plan with Erosion Control
 - Sheet 3 of 3: Details
12. A Short Environmental Assessment Form signed by Jan Chizinski, dated October 7, 2019.
13. The Board received copies of the following letters from area residents:
 - Robert Holmsen, Kevin O'Leary, Brian Moriarty and John Servino, dated June 5, 1996.
 - Copy of a letter to Supervisor Kleiner from Robert Holmsen, undated, with a return letter to Mr. Holmsen from Supervisor Kleiner, dated October 18, 1999.
 - Copy of an interdepartmental memorandum from Thom Kleiner, Supervisor to Jim Dean, Superintendent of Highways, dated October 5, 1999.
 - Copy of a letter to John and Cathy from Bob Holmsen, dated November 15, 1999.
 - Copy of a letter from Sam Colman, Member of New York State Assembly to James Dean, Superintendent of Highways, dated March 22, 2000.
 - Copy of a letter to Jan from Robert Holmsen, dated February 18, 2000.
 - Copy of a letter to Mr. Chizinski from Robert Holmsen, dated December 18, 2003.

The Board reviewed the plan. The meeting was open to the public.

Public Comment:

Robert Holmes, 48 Sparrow Lane, Pearl River, questioned the proposed subdivision plan, noting that his understanding was that the applicant wanted to build a two story structure 35 feet from Sparrow Lane. He raised concerns regarding water coming from Mountainview Avenue to the rear of the applicant's property, the problem stems from the construction of a dam on the western portion of the property and the water flows onto Sparrow Lane.

Ray Moriarty, Sparrow Lane, Pearl River, discussed the water problem on Mountainview Avenue, how the water use to flow down until the applicant placed a dam and how it builds up on his property. During the summer it creates a mosquito problem.

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**PB #19-79: Chizinski Minor Subdivision Plan
Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
January 29, 2020
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Kevin O'Leary, 56 Sparrow Lane, Pearl River, his property is located north of the applicant's property, noted that his lot is now completely useless since the applicant placed the dam on his property. Mr. O'Leary's stated that his property is always wet and has lost a substantial amount of trees. In addition, the proposed flag lot will destroy the character of the neighborhood.

The applicant requested a **CONTINUATION**.

January 29, 2020

Jay Greenwell and Jan Chizinski appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated January 22, 2020.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement (OBZPAE), Town of Orangetown, signed by Jane Slavin, R.A., AIA, 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., January 24, 2020.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated January 29, 2020.
5. Subdivision Plans of Property for Chizinski prepared by Jay Greenwell, PLS, dated August 29, 2019:
 - Sheet 1 of 3: Subdivision, last revised December 11, 2019
 - Sheet 2 of 3: Grading, Drainage & Utility Plan with Erosion Control
 - Sheet 3 of 3: Details, last revised December 31, 2019
6. A project narrative prepared by Jay Greenwell, PLS, dated January 6, 2020.

The Board reviewed the plan. The meeting was open to the public.

Public Comment:

Robert Holmes, 48 Sparrow Lane, Pearl River, raised concerns regarding the water from Mountainside Avenue and impact to area properties. He expressed concerns about the size of the potential house that could be constructed on the site.

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

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h2:2 4 L7 93J 07M

11M0133NV9D JO MM01

**PB #19-79: Chizinski Minor Subdivision Plan
Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

Town of Orangetown Planning Board Decision

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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 Michael Mandel and seconded by Stephen Sweeney and carried as follows: Thomas Warren - Chairman, absent; William Young - Vice Chairman, aye; Michael Mandel, aye; Robert Dell, aye; Michael McCrory, aye; Bruce Bond, absent; Andrew Andrews, aye; and Stephen Sweeney, 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 Jay Greenwell, PLS and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Highway, Rockland County Department of Health, Rockland County Sewer District No.1, New York State Department of Environmental Conservation, and having reviewed a proposed Subdivision plan by prepared by Jay Greenwell, PLS, 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;

301110 S.KR373 RR01

42:2 @ L2 B34 0707

MM0130NVR0 JO MM01

**PB #19-79: Chizinski Minor Subdivision Plan
Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

Town of Orangetown Planning Board Decision

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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 Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

On motion by Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, absent; William Young- Vice Chairman, aye; Michael Mandel, aye; Robert Dell, nay; Michael McCrory, aye; Bruce Bond, absent; Andrew Andrews, aye; and Stephen Sweeney, aye, the Board made a Negative Declaration pursuant to SEORA.

DECISION: In view of the foregoing and the testimony before the Board, the application was granted **Final Subdivision Plan Approval Subject to the Following Conditions:**

1. The following note shall be placed on the subdivision plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."

2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

CEJFFO S.MER73 MM01

47 2 2 12 93 0202

MM03EANGVAV 0F0 MM01

**PB #19-79: Chizinski Minor Subdivision Plan
Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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3. The drainage calculations are under review by DEME. However, revised drainage calculations, including sizing of offsite stormwater piping system and its effect on the Town system, shall be submitted to DEME.
4. A perc test and determination of groundwater elevation shall be administered at the proposed drywell location. These tests shall be performed **PRIOR** to this proposal receiving **Final Approval** to ensure the adequacy of the proposed design. This information shall be added to the drainage calculations. The tests shall be performed in the Spring when the ground water table is typically at its highest. The applicant's engineer shall provide a copy of the field perc test results to DEME and the Building Department for review and approval.
5. A post-construction stormwater maintenance plan shall be submitted for review and approval by DEME and the Town Attorney's Office. Once approved, the maintenance plan shall be made part of the site plan approval and attached as an amendment or schedule to the deed for the new lot.
6. The proposed sanitary house connection shall be relocated away from the proposed drywell gallery. One possibility would be to relocate the sanitary house connection to the middle of the proposed driveway.
7. A note shall be added to the plans stating that the Town of Orangetown Sewer Inspector shall be notified at least 48 hours prior to any and all construction relating to the proposed sanitary house connection.
8. The proposed road widening added shall be submitted to the Orangetown Town Attorney's Office and DEME for review and approval.
9. A note shall be added to the subdivision plan indicating the source benchmark for the referenced datum, including the BM elevation.
10. The Drainage Consultant to the Planning Board, Brooker Engineering reviewed the application and found that sufficient information had been provided to determine that potential significant impacts with respect to drainage can be mitigated. The Drainage Consultant therefore recommends that the Chizinski Subdivision be approved for drainage subject to the following comments:

Project Description

This is the second drainage review report for this application. The property is located at 317 Orangeburg Road, which is on the north side of Orangeburg Road about 500 feet east of Mountainview Avenue. There is an existing single family home at the southwest corner of the property and an open area at the northeast corner of the property. There are additional patios, walks, and site improvements

301110 S.KR370 MM01
42 2 P L2 831 0207
MM013GNVRO JO MM01

**PB #19-79: Chizinski Minor Subdivision Plan
Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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Continuation of Condition #10...

just east of the existing house that are to remain with the lot for the existing house (Lot 1). The building envelope for the proposed lot (Lot 2) is located in a flat, grassy area. This area contains numerous depressions with standing water evident at the time of our site visit, which was during a moderate rainfall event. The applicant is proposing a drywell system located at the southern end of the new driveway. This will receive stormwater runoff from the new impervious surfaces and overflows from the drywells will be directed to the existing storm drainage system on the north side of Orangeburg Road.

For this submission, drainage improvements have been proposed to potentially alleviate off-site ponding to the north and west. Please note the improvements as designed will not necessarily remove the off-site ponding and will most likely require the adjacent property owners to make improvements on their own property. This is not the obligation of the applicant; however, the proposed design gives these neighbors the opportunity to make drainage improvements.

Project Comments

1. As per the December 9, 2019 review, the effects of fill on the overall drainage pattern to the east shall be clearly shown.
2. Provide more detail for the drainage pattern southwest of the new house on Lot 2.
3. More detail needs to be shown at the area near the southeast corner of the existing driveway on Lot 1. This area drains water runoff from almost the entire existing driveway through the front yard of Lot 2. The existing retaining wall and flume are shown as being removed and replaced with a swale with an elevation 274 contour. The swale is extremely flat and starts at a higher elevation than the corner of the driveway, creating a low point that shall be addressed.
4. Revise the driveway grading in front of the garage of the new dwelling to show an increased slope away from the garage.
5. As per the December 9, 2019 review, label the width of the driveway on the plan.
6. As per the December 9, 2019 review, it appears no basement is proposed; add a map note indicating this.
7. As per the December 9, 2019 review, the drainage calculations show a drywell with a depth of six feet. The effective depth of the drywells shall be measured from the drywell invert to overflow pipe invert.

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TOWN OF ORANGETOWN

**PB #19-79: Chizinski Minor Subdivision Plan
Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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Continuation of Condition #10...

8. As per the December 9, 2019 review, include drainage basin maps for existing and proposed conditions in the drainage calculations; include off site runoff that passes through the site and into the detention system. The drainage basin maps should include the subarea that is diverted to the drywell system under proposed conditions.
9. As per the December 9, 2019 review, remove the references to side percolation on line 6 of the drainage calculations and add the equation for bottom of drywell percolation.
10. As per the December 9, 2019 review, soil percolation rate and depth to groundwater table tests shall be performed and noted on the plan prior to final approval.
11. As per the December 9, 2019 review, maintenance requirements of the drywell system should be noted on the subdivision plat.
11. Prior to stamping the subdivision Mylar, the berm in the rear of the site shall be removed. The applicant shall apply for a Building Permit in order to start removal of the berm.
12. Prior to stamping the subdivision Mylar, the applicant shall obtain a Demolition Permit for the removal of the existing Gazebo. Proof of demolition must be provided to the Planning Board Clerk.
13. Upon the proposed development of Lot #2, the owner of the property shall return to the Planning Board, prior to appearing at the Town of Orangetown Architecture and Community Appearance Board of Review. The Planning Board shall review the proposed site plan, house plan and landscaping plan for the site. Drainage review of the proposed development of the site will only be performed if the proposed footprint of the development is larger than what is approved under this subdivision approval.
14. Based on the information provided, the Rockland County Health Department (RCDOH) offered the following comments:
 1. Application is to be made to the Rockland County Department of Health for review of the storm water management system for compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

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

16. The New York State Department of Environmental Conservation (DEC) indicated that based upon its review of the circulated documents, NYSDEC offered the following comments:

- **Protection of Waters:** There are no waterbodies that appear on the regulatory maps within the property you identified. Therefore, if there is a stream or pond outlet present at the site with year-round flow, it assumes the classification of the watercourse into which it feeds, and a Protection of Water permit may be required to disturb its bed or banks. If there is a stream or pond outlet present at the site that runs intermittently (seasonally), it is not protected, and a Protection of Waters permit would not be required to disturb its bed or banks. If a permit is not required, please note, however, you are still responsible for ensuring that work shall not pollute any stream or waterbody. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.
- **Freshwater Wetlands:** The identified property is not within a New York State protected Freshwater Wetlands. The project site does not appear to contain a federally regulated wetland area. However, please contact the U.S. Army Corps of Engineer at 917-790-8511 for any permitted they might they might have.
- **State – Listed Species:** No records of sensitive resources were identified by this review. The absence of data does not necessarily mean that rare or state listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site.
- **State Pollutant Discharge Elimination System (SPDES):** If the overall project will disturb over one acres of land, the project sponsor must obtain coverage under the current SPDES General Permit for Stormwater Discharge from Construction Activity (GP-0-15-002), and a Stormwater Pollution Prevention Plan (SWPPP) that conforms to requirements of the General Permit. As this site is within a Municipal Separate Storm Sewer System (MS4) community, the municipality is responsible for review and acceptance of the SWPPP, and the MS4 Acceptance Form must be submitted to NYSDEC.

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**PB #19-79: Chizinski Minor Subdivision Plan
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Town of Orangetown Planning Board Decision

January 29, 2020

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Continuation of Condition #16...

- **Water Withdrawal:** According to the submitted documents, the proposed residence will be served by the existing Town of Orangetown Water district. The anticipated demand for water generated by the new residence is not indicated in the submitted project documents. Please note that additional Department approval may be required to ensure that the site is covered under an existing Water Withdrawal permit and does not exceed the authorized maximum taking of water into the existing water district or service area.

- **Cultural Resources:** DEC has reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that the project is **not** located within an area considered to be sensitive with regard to archaeological resources.

- Other permits from DEC or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and therefore, the applicant should verify the need for permits if the project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified.

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

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

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

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

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**PB #19-79: Chizinski Minor Subdivision Plan
Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
January 29, 2020
Page 11 of 13**

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

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

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

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

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

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

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

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PLANNING BOARD

JANUARY 29, 2020

**PB #19-79: Chizinski Minor Subdivision Plan
Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

Town of Orangetown Planning Board Decision

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Continuation of Condition #22...

- 24.** 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.
- 25.** The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
- 26.** 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).
- 27.** Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
- 28.** 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
- 29.** The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

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**PB #19-79: Chizinski Minor Subdivision Plan
Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

Town of Orangetown Planning Board Decision

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ACABOR

The Planning Board granted a waiver of the Architecture and Community Appearance Board of Review, requiring review at the time the lot is proposed for a specific dwelling plan, under Site Plan Review.

The foregoing Resolution was made and moved by Michael Mandel and seconded by Michael McCrory 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 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; Stephen Sweeney, aye; Robert Dell, nay 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: January 29, 2020

Cheryl Coopersmith

Chief Clerk Boards and Commissions

Town of Orangetown Planning Board

attachment



TOWN CLERK'S OFFICE

47 2 P L 23 0202

TOWN OF ORANGETOWN

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

**PB #19-79: Chizinski Minor Subdivision Plan
Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

**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:

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

**DESCRIPTION OF ACTION: Chizinski Minor Subdivision Plan - Final
Subdivision Plan subject to Conditions/ Neg. Dec.**

LOCATION: The site is located at 317 Orangeburg Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.17, Block 2, Lot 42; 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 Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

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

For Further Information contact:

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

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

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TOWN OF ORANGETOWN
JAN 29 2020

PB #20-09: 86 Western Highway

Permit #49349

**Playground Site Plan
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

**Town of Orangetown Planning Board Decision
January 29, 2020
Page 1 of 10**

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 9th German Masonic Park, owner, for a Preliminary/ 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 Broker 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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**Playground Site Plan
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Town of Orangetown Planning Board Decision

January 29, 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 McCroy, aye.

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**Playground Site Plan
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Town of Orangetown Planning Board Decision

January 29, 2020

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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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ORANGETOWN

**Playground Site Plan
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

**Town of Orangetown Planning Board Decision
January 29, 2020
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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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**Playground Site Plan
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Town of Orangetown Planning Board Decision

January 29, 2020

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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 DEME 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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**Playground Site Plan
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Town of Orangetown Planning Board Decision
January 29, 2020
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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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Town of Orangetown Planning Board Decision
January 29, 2020
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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: 1 L2 FEB 0702

RECEIVED TO BE PRESERVED
MARCH 30 2021

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

57:2 P L7 033 0207

MM013GNVRO JO NA01

Playground Site Plan
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.

Town of Orangetown Planning Board Decision

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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.

301140 S.KR370 NMO1

52:2 P L2 B3J 0202

MM0130NVRO JO NMO1

PB #20-09: 86 Western Highway

Permit #49349

Playground Site Plan
Preliminary Site Plan Approval Subject to Conditions
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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

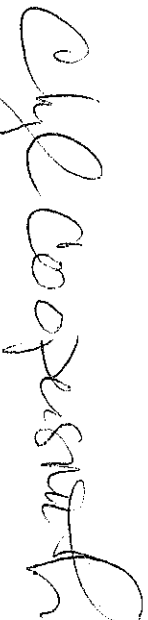
The Clerk to the Board is hereby authorized, directed and empowered to sign this **DECISION** and file a certified copy in the Office of the Town Clerk and the Office of the Planning Board.

Dated: January 29, 2020

Cheryl Coopersmith

Chief Clerk Boards and Commissions

Attachment



3E11F0 S,KR37Q NAQ1

52:2 P L2 FEB 0202

NAQ13GNV90 JO NAQ1

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

PB #20-09: 86 Western Highway

Permit #49349

Playground Site Plan

Preliminary Site Plan Approval Subject to Conditions

Neg. Dec.

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, 5 Town Supervisor Applicant, Involved Agencies

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