

**Town of Orangetown Planning Board
Meeting of June 24, 2020**

MEMBERS PRESENT:

Thomas Warren, Chairman
William Young, Vice-Chairman
Michael Mandel
Michael McCrory
Andrew Andrews
Bruce Bond (alternate)
Robert Dell

MEMBER ABSENT: Stephen Sweeney

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

Thomas Warren, Chairman, called the meeting to order at 7:00 p.m.
Mr. Warren read the agenda. Hearings as listed on this meeting's agenda which are made a part of these minutes were held as noted below:

Continued from the June 1, 2020 Planning Board Meeting:

SMK Greene Subdivision Plan	PB#20-20
Prepreliminary/Preliminary Subdivision Plan and SEQRA Review	Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.
318 Western Highway, Tappan	
74.18/2/34; R-15 zoning district	

Continued from the January 29, 2020 Planning Board Meeting:

Hyun Site Plan	PB #20-10
Critical Environmental Area	Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.
Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review	
161 Tweed Boulevard, Sparkill	
75.09/1/3; R-22 zoning district	

Continued from the January 15, 2020 Planning Board Meeting:

Lander Minor Subdivision Plan	PB #20-04
Prepreliminary/ Preliminary/ Final Subdivision Plan and SEQRA Review	Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.
1 Duryea Place, Nanuet	
63.19/1/5; R-22 zoning district	

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MM0130NVR00 JO MM01

**PB #20-20: SMK Greene Subdivision Plan
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**TO: Jay Greenwell, 85 Lafayette Avenue, Suffern,
New York, 10901**
FROM: Orangetown Planning Board

RE: SMK Greene Subdivision Plan: The application of SMK Home Builders, owner, for Prepreliminary/ Preliminary Subdivision Plan at a site to be known as “**SMK Greene 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 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 318 Western Highway, Tappan, Town of Orangetown, Rockland County, New York, in the Tappan Historic Area and as shown on the Orangetown Tax Map as Section 74.18, Block 2, Lot 34; in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at Virtual meetings held **Monday, June 1, 2020 and Wednesday, June 24, 2020**, at which time the Board made the following determinations:

Board Member Robert Dell recused himself from the proceedings of this item.

June 1, 2020

Jay Greenwell and Sean Keenan appeared and testified.

The Board received the following communications:

1. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated May 29, 2020.
2. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated April 3, 2020.
3. A letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated April 26, 2020.
4. Letters from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated March 19, 2020 and Michael Kezner, dated March 11, 2020.
5. Letters from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated March 11 & 16, 2020.
6. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated March 31, 2020.
7. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated March 4, 2020.
8. Notice from Suez, signed by Bill Prehoda, dated March 9, 2020.
9. Notice from Rockland County Division of Environmental Resources dated March 3, 2020.

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10. Project Narrative submitted by Jay Greenwell, PLS.
11. A Full Environmental Assessment Form, signed by Jay Greenwell, PLS, dated February 10, 2020.
12. Hydraulic Analysis and Stormwater Design Calculations, prepared for SMK Greene Subdivision, prepared by Paul Gdanski, P.E., dated January 11, 2020.
13. Subdivision Plan prepared by Jay Greenwell, PLS, dated December 5, 2019, unless noted:
 - Sheet 1: Subdivision of Property for SMK Greene, dated November 26, 2019
 - Sheet 2: Grading, Drainage & Utility Plan with Erosion Control for SMK Greene
 - Sheet 3: Erosion Control/ Limit of Disturbance for SMK Greene
 - Sheet 4: Detail Sheet for SMK Greene

The hearing was then opened to the Public.

Public Comment:

Janet Armetta, 20 Greene Road, Tappan; requested information regarding the proposed type of houses to be constructed and when the site is under construction, how will it be managed.

Vickie Cooper, 360 Western Highway, Tappan; noted that the neighborhood needs a mix use type of use on the site. She owns property across from the site and wants to dispose of it.

Diana Spain, 28 Greene Road, Tappan; expressed concerns regarding two proposed driveways that will impact her property. She requested that the site be developed with only 4 lots.

Marie Reger, 32 Greene Road, Tappan; raised concerns regarding the number of proposed lots and driveways entering Greene Road. She requested that the site have only 4 lots instead of five.

The applicant requested a **Continuation**.

June 24, 2020

Jay Greenwell, Sean Keenan and Donald Brenner appeared and testified. The Board received the following communications:

1. 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 June 18, 2020, with an attachment.

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2. Emails from the following area residents:
Elizabeth and Allan Colin, 23 Gregg Court, Tappan
Michele and Joseph McKiernan, 14 Berry Court, Tappan
Jeanne Davis, Berry Court, Tappan
Margaret McNamara, 38 Greene Road, Tappan
Laxmi Solanki
Marie Reger, 32 Gregg Court, Tappan
John McNamara, 38 Greene Road, Tappan
Michael Armetta, 20 Greene Road, Tappan

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

Public Comment:

Joseph McKiernan, 14 Berry Court, Tappan; wanted to know the types of homes to be constructed and the square footage of the houses.

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, aye; William Young, Vice Chairman, aye; Michael Mandel, aye; Robert Dell, recused; Stephen Sweeney, absent; Andrew Andrews, aye, Michael McCrory, aye and Bruce Bond, aye.

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by William Young and second by Andrew Andrews and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Michael Mandel, aye; Robert Dell, recused; Stephen Sweeney, absent; Andrew Andrews, aye, Michael McCrory, aye and Bruce Bond, 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.

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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 Highway Department, Rockland County Highway Department, Rockland County Department of Planning, Rockland County Sewer District #1, and having reviewed the drawings presented 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;
- 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.

ENCLOSURE

52 6 V 71 707 0702

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On motion by William Young and second by Andrew Andrews and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Michael Mandel, aye; Robert Dell, recused; Stephen Sweeney, absent; Andrew Andrews, aye, Michael McCrory, aye and Bruce Bond, 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 Subdivision Approval Subject to the Following Conditions:**

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

3. The applicant is required to obtain approval from the Town of Orangetown Zoning Board of Appeals for the following variance: Per Chapter 43, table 3.12, Column 7:

Variance	Required	Proposed
Lot #4 - Minimum Street Frontage	75 feet	30 feet

4. The applicant shall return to the Orangetown Planning Board with revised plans after its appearance at the Town of Orangetown Zoning Board of Appeals. The reason for this condition is that prior to the meeting, the applicant submitted new plans with the following changes, which had not been reviewed by the Planning Board or other agencies:
 - Driveway to the lot (flag lot) had been moved from Greene Street to Western Highway
 - Deeding of frontage on Wester Highway to Rockland County was reduced which removed the need for one zoning variance (lot size was less than 15,000 square feet).
5. The Subdivision, Site and Landscaping Plans shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.

6. The Full Environmental Assessment Form appears to be in order.

7. The Drainage calculations supplied are currently under review by DEME. However, the total area of disturbance shall be added to the project narrative. Also, installation and maintenance instructions for the Cultec system shall be added to the calculations.

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8. The subsurface Cultec stormwater systems are labeled as "detention" systems. However, the details for these systems along with the drainage calculations, indicate that they are "recharge" systems. This inconsistency shall be corrected.
9. Soil borings, perc tests and determination of groundwater elevations shall be performed at ALL of the proposed subsurface stormwater facilities. These tests/ investigations shall be performed in the spring when the ground water table is typically at its highest. This shall be done **PRIOR** to this proposal receiving **Final Approval** and the information/ test results/ evaluations shall be added to the drainage calculations. Copies of all correspondence related to this issue shall be submitted to DEME and the Building Department for review and approval.
10. Emergency overflow facilities shall be designed and depicted for all of the proposed subsurface stormwater control facilities. This may require adding additional catch basins/ piping to Greene Road/ Independence Avenue/ Western Highway.
11. The proposed catch basin for lots #2 and #3 shall be replaced with trench drains. Details for same shall be added to the drawings.
12. Post construction stormwater maintenance "agreements", - for each lot, for the proposed stormwater system shall be submitted to DEME and the Orangetown Town Attorney's Office for review and approval. These agreements/ requirements shall be added as addenda (or equivalent) to the deeds for each lot. Proof that these agreements are made part of each deed will be submitted to the Town Attorney's office and DEME. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with a telephone number, yearly report to be performed, saved by the property owner and available for inspection and review by DEME upon request.
13. In order for the Town of Orangetown Sewer Department to even consider allowing the use of the existing sanitary house lateral by Lot #3, the existing lateral shall be tv'd by the applicant/ applicant's contractor and witnessed by the Orangetown Sewer Inspector. A determination will then be made by the Orangetown Sewer Inspector. If it is determined that the existing lateral cannot be used, a new lateral shall be installed for said Lot #3. A note shall be added to the plan roughly stating that the existing sanitary house lateral shall be tv'd by the applicant and witnessed by the Town Sewer Inspector. The Town Sewer Inspector will decide if the existing sanitary lateral can be used for proposed Lot #3.
14. The proposed sanitary cleanout for Lot #3 shall be installed on the existing/ new lateral, not offset as currently shown on the drawings.

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15. The applicant's engineer shall consider relocating the proposed sanitary sewer house connection for Lot #4 to "tie" into the sanitary main on Western Highway. This is necessary to limit the number of sanitary crossings over the existing 42-inch RCP drainage line along Independence Avenue.
16. The proposed driveway for Lot #5 shall be realigned to be more "perpendicular" to Greene Road and moved away from the proposed driveway for Lot #4.
17. An existing conditions plan shall be added to the drawing set.
18. A note shall be added to the Subdivision Plan indicating the source benchmark for the referenced datum, including the BM elevation.
19. Typical details shall be added to the drawings (e.g. concrete curbing, concrete sidewalk, etc.)
20. **Drainage Review Recommendation- Brooker Engineering**
The Drainage Consultant to the Planning Board, Brooker Engineering, held that the proposed action has provided sufficient drainage information that demonstrates that potential significant adverse impacts with respect to drainage can be mitigated and therefore recommends that the SMK Greene Subdivision be approved for drainage subject to the following comments.

Project Description

This is the first drainage review report for this application. The property is located at the southwest corner of the intersection of Independence Avenue and Western Highway and has frontage along Greene Road on the west side of the parcel. The site is wooded, with an existing single family home in the center of the site and driveways to both Greene Road and Western Highway. All existing impervious area is proposed to be removed. The site has a moderate downhill slope to the east.

The proposed action will remove all existing impervious area and subdivide the property into five single family residential lots in an R-15 zoning district. No road extensions or public improvements are required for the proposed configuration. All lots propose individual underground detention units to provide stormwater mitigation for the individual lots, which are to be maintained by the individual homeowners.

Project Comments

1. The drainage report shall have subarea maps for existing and proposed conditions. The subarea map for proposed conditions shall evaluate how overflows from the uphill subareas will contribute to the downhill detention systems.

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52 6 V H1 TNP 0702

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Continuation of Condition #20...

2. Overflows for each of the detention systems shall be clearly shown on the plan.
3. Floor elevations for Lot 4 shall match the grading. Additional detail shall be provided to show that drainage on the west side of the house will be directed around the structure.
4. Invert, top of pipe, and stone elevations shall be added to the profile for each detention system on Sheet 4.
5. Show footing drains for each building.
6. The applicant shall investigate locating the sanitary sewer house connection for Lot 4 to the existing sanitary sewer on Greene Road, which eliminate the sanitary sewer easement over Lot 2.
7. Provide driveway details for Lots 2 and 3 with a cross slope to direct runoff to the proposed catch basins on the driveway. Label the area of driveway directed to the catch basin on the plan for ease of construction inspection.
8. The header pipe included in the drainage calculations shall be shown in the drainage details.
9. Connections between the Cultec units and means for access for maintenance shall be shown on the drainage details. The maintenance schedule and procedures shall be provided on the Subdivision Drawings. Provisions for isolating debris and leaf litter prior to entering the Cultec systems shall be included in the design.
10. Test pit information showing separation to groundwater and perc rate information shall be provided.

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

1. As required by the Rockland County Stream Control Act, the subdivision map must be reviewed and approved by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.
2. The applicant must comply with the conditions of the Rockland County Highway Department in their letter of March 11, 2020. All required permits must be obtained prior to the start of construction.
3. A review must be completed by the Rockland County Department of Health, any comment or concerns addressed, and any required permits obtained.
4. Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.

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Continuation of Condition #21...

5. There shall be no net increase in stormwater runoff from the site.
6. Map note #4 indicates that there are two existing lots as part of this proposal. This must be corrected to one lot.
7. Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages, and County with an adequate supply of water. All major subdivision, i.e. those with five or more lots, must be reviewed and approved by the Rockland County Department of Health (RCDOH) prior to filing with the county clerk. RCDOH is mandated by New York State Law to ensure that such subdivision will have both an adequate and satisfactory sewerage facilities. RCDOH must also review and approve all public water supply improvements, e.g. water main extensions, including those required to serve a proposed major subdivision. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.
8. The Rockland County Department of Planning requests the opportunity to review any variances that may be requested from the Town of Orangetown Zoning Board of Appeals in order to implement the revised Site Plan, as required by New York State General Municipal Law, Section 239-m, (a)(v).
22. The Rockland County Department of Highways (RCHD) reviewed the plans and information and offered the following comments:
 - The entrance driveway shall be placed on least traveled public roadways to minimize traffic conflicting points.
 - The driveway entrance on Western Highway (County Highway) shall not be placed closer than 35 feet to the intersection of Western Highway and Independence Avenue.
 - Private development adjacent to public roads will not be allowed to significantly increase either the runoff velocity or rate of runoff as it enters the public road drainage system.
 - The strip of area as noted in the subdivision map shall be dedicated to the Count of Rockland for inclusion in the highway system prior to recording the subdivision map, if it is approved by the Town.

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

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

- Rockland County Highway Department
- Rockland County Sewer District #1
- Town of Orangetown Zoning Board of Appeals
- Rockland County Department of Planning

25. 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.

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

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

28. 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:

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Continuation of Condition #28...

- 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.

29. 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.

30. 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.

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

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

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

34. 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

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

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

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: June 24, 2020

Cheryl Coopersmith

Town of Orangetown Planning Board

Attachment



301FF0 S.KR373 MM01

52 6 V 41 707 0207

MM013GNVRO JO MM01

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

**PB #20-20: SMK Greene Subdivision Plan
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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: SMK Greene Subdivision Plan
Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

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

DESCRIPTION OF ACTION: Subdivision Plan Review

LOCATION: The site is located at 318 Western Highway, Tappan, Town of Orangetown, Rockland County, New York, in the Tappan Historic Area and as shown on the Orangetown Tax Map as Section 74.18, Block 2, Lot 34; 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
Orangetown, 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, 52 30 V H I TWP 0212
Involved Agencies

MM0139NVR0 JO MM01

PB #20-07: Hyun Site Plan

Permit #49477

Critical Environmental Area

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

Town of Orangetown Planning Board Decision

June 24, 2020

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TO: Milkyong Hyun, 139 Washington Spring Road, Palisades, New York
FROM: Orangetown Planning Board

RE: Hyun Site Plan: The application of Milkyong Hyun, owner, for Preliminary/ Preliminary/ Final Site Plan Review at a site located in the Critical Environmental Area. The Site is known as “**Hyun 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 Planning Board will 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 161 Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 75.09, Block 1, Lot 3; in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, January 29, 2020 and a Virtual Meeting held on Wednesday, June 24, 2020**, at which time the Board made the following determination:

January 29, 2020

Milkyong Hyun, Jay Greenwell, and Michael Esmay appeared and testified for the applicant.

The Board received the following communications:

1. A 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, AIA, RA, 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, PE, dated January 29, 2020.
5. Letters from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated January 19, 2020 and Michael Kezner, dated December 30, 2019.
6. Letters from Rockland County Department of Health, signed by Elizabeth Mello, PE, Senior Public Health Engineer, dated January 28, 2020.
7. Letters from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated December 30, 2019 and January 10, 2020.

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Town of Orangetown Planning Board Decision

June 24, 2020

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8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated January 15, 2020.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated January 8, 2020.
10. Notice from Suez, signed by Bill Prehoda, dated December 31, 2019.
11. Notice from Rockland County Division of Environmental Resources, signed by Allen Beers, dated December 19, 2019.
12. A letter from the Village of Piermont, signed by Charlie Schaub, Piermont Building Inspector, dated January 17, 2020.
13. A letter from the New York State Department of Transportation, signed by Mohammed Islam, Assistant Engineer, dated January 6, 2020.
14. A Short Environmental Assessment Form, signed by Milkyong Hyun, dated November 27, 2019.
15. Project Narrative submitted by Michael Esmay.
16. Hydraulic Analysis and Stormwater Design Calculations, prepared for Hyun Site Plan by Paul Gdanski, P.E., dated January 20, 2020.
17. A copy of the Town of Orangetown Building Permit Referral signed by Rick Oliver, Building Inspector, dated October 28, 2019.
18. Survey of Property Plan prepared by Jay Greenwell, PLS, dated August 5, 2019, revised August 17, 2019.
19. Slope Category Map prepared by Jay Greenwell, PLS, dated August 5, 2019, revised August 26, 2019.
20. Architectural Plans prepared by Michael Esmay, RA, October 21, 2019, last dated December 2, 2019:
 - Drawing 1: Location Map
 - Drawing 2: Lower Level and Upper Level Plans
 - Drawing 3: South and West Elevations
 - Drawing 4: North and East Elevations

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

The Applicant requested a **CONTINUATION**.

June 24, 2020

Milkyong Hyun and Michael Esmay appeared and testified for the applicant. The Board received the following communications:

1. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, RA, Director, dated June 18, 2020.

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Town of Orangetown Planning Board Decision

June 24, 2020

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2. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated May 28, 2020.
3. A letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated June 21, 2020.
4. Project Narrative submitted by Michael Esmay.
5. Submitted at the meeting, a Response to Additional Comments submitted by interested parties in connection with the Hyun application, prepared by Michael Esmay.
6. Survey of Property Plan prepared by Jay Greenwell, PLS, dated August 5, 2019, revised January 30, 2020.
7. Slope Category Map prepared by Jay Greenwell, PLS, dated August 5, 2019, revised August 26, 2019.
8. Architectural Plans prepared by Michael Esmay, RA., October 21, 2019:
 - Drawing 1: Location Map dated, last dated March 10, 2020
 - Drawing 2: Lower Level & Upper Level Plan, last dated December 2, 2019
 - Drawing 3: South and West Elevations, last dated December 2, 2019
 - Drawing 4: North and East Elevations, last dated December 2, 2019

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 William Young and carried as follows:

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

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Town of Orangetown Planning Board Decision

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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 Planning Department, Rockland County Department of Highway, New York State Department of Transportation, Rockland County Sewer District #1, Rockland County Department of Health and the Village of Pierrmont, 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;
- 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.

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Town of Orangetown Planning Board Decision

June 24, 2020

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On motion by Bruce Bond and second by William Young and carried as follows:
Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Michael McCrory, aye; Bruce Bond, aye; Robert Dell, aye; Stephen Sweeney, 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.
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. Hay bales shall be used in addition to the silt fence.
5. The site plan shall be revised to note that the bridge is to be removed.
6. The variances requested are substantial; of most concern is the proposed 1.7' setback from the ROW. Applicant shall consider alternate ways to achieve the desired additional space.

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Town of Orangetown Planning Board Decision

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7. The following variances are required:
- Front Yard required 40', existing 15.9', proposed 1.7'
 - Floor area ratio required .20, existing .52, proposed 1.19
 - Rear yard, 45' required, 0' existing, proposed 0' to new addition.
 - Height permitted 9" / 1', existing 19.5" / 1', proposed 208" / 1'.
8. The proposed retaining walls range in height from 1 foot to 12 feet. Detailed information for the proposed retaining walls must be provided including structural details and elevations.
9. Per Chapter 2, section 2-4 (A) and 2-5B (4), the application shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
10. The drainage calculations are under review by DEME. However, no actual stormwater mitigation practice has been designed yet. Also, the rainfall data used is out-of-date. For example, the 100-year storm rainfall intensity number is 9.07 inches. The calculations shall be revised using the current rainfall data and calculations shall include the proposed stormwater practice.
11. A perc test, soil borings 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.
12. Soil erosion and sediment control details shall be added to the plans.
13. All proposed grading shall be shown on the plans.
14. Profiles and details for all proposed stormwater facilities shall be added to the plans.
15. A post construction stormwater maintenance agreement shall be submitted to DEME and the Orangetown Town Attorney's Office for review and approval. 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.

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Town of Orangetown Planning Board Decision

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16. Typical details shall be added to the drawings (pavement, curbing, etc.)

17. Drainage Review Recommendation – Brooker Engineering

The proposed action has provided drainage information that demonstrates that potential significant adverse impacts with respect to drainage can be mitigated. The Planning Board's Drainage Consultant, Brooker Engineering therefore recommends that the Hyun Site Plan be approved for drainage subject to the following project comments.

Project Description

This is the second drainage review report for this application; the last review was dated January 29, 2020. The property is located at 161 Tweed Boulevard, which is on the east side of Tweed Boulevard. Stormwater runoff flows downhill to the east. There is an existing single family dwelling on the property in disrepair. The driveway slopes toward Tweed Boulevard and there is a bridge connecting the driveway to the home. There is a swale near the southern side of the property and a stormwater outfall from the Tweed Boulevard drainage system along the south side of the property.

There is a proposed building addition in the front of the house to replace the ramp and connect the existing house to the driveway. The driveway is being reconfigured and additional decks are proposed in the rear of the house and addition. Stormwater drywells are proposed along the south side of the house to provide stormwater runoff mitigation. The hydraulic analysis and stormwater management design provides the required volume of stormwater detention required for mitigation.

Project Comments

1. As per the January 29, 2020 report, provide the basement floor elevations for the existing building and addition.
2. As per the January 29, 2020 report, show how the stormwater runoff from the new impervious areas will be intercepted and directed to the proposed stormwater management system.
3. As the our January 29, 2020 report, show positive drainage away from the south side of the house.
4. As per the January 29, 2020 report, show how the low point at the front door created by the new sidewalk leading to the door will be drained.
5. As per the January 29, 2020 report, show the foundation drain for the basement.
6. As per the January 29, 2020 report, show the overflow from the stormwater management system and how this point source will impact the existing swale on the property.

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**Town of Orangetown Planning Board Decision
June 24, 2020
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Continuation of Condition #17...

7. As per the January 29, 2020 report, provide construction details of the stormwater management system.
8. As per the January 29, 2020 report, provide a factor of safety in the final design of the stormwater management system.
9. The drainage calculations shall include the decks as impervious area.
10. Show the door on the south side of the building. Show proposed grading that might be required to match the grade outside the building with the door elevation.

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

- Permitting development that does comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The front yard is 96% deficient in meeting the bulk requirement. The building height is 2,311% greater than what is permitted per foot from the lot line. The floor area ratio exceeds the permitted standard by 495%. The ability of the existing infrastructure to accommodate increased residential density on undersized parcels is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Town must consider the cumulative and regional impacts of permitting such development.
- The applicant must comply with the comments made by the Rockland County Highway Department in its letter of December 30, 2019.
- A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.
- A review must be completed by the New York-New Jersey Trail conference and any concerns addressed.
- Prior to the start of construction or grading, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.

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Town of Orangetown Planning Board Decision

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Continuation of Condition #18...

- The Village of Pierrmont is one of the reasons this proposal was referred to Rockland County Department of Planning for review. The municipal boundary bisects the site. New York State General Municipal Law states that the purposes of Section 239-l, 239-n and 239n shall be to bring pertinent inter-community and county-wide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and countywide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-n was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner which is supportive of the goals and objectives of the general area. As required under Section 239n of the State General Municipal Law, the Village of Pierrmont must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of county wide concerns noted above that directly impact the Village of Pierrmont must be considered and satisfactory addressed, as well as any additional concerns about the proposal.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- Retaining walls that are over 4 feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer. In addition, retaining walls visible from an arterial street or highway shall be screened by vegetation or faced with wood, stone, or other earth colored materials that blend with the surrounding natural landscape.
- The Rockland County Department of Planning requests the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239m (3)(a)(v).

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**PB #20-07: Hyun Site Plan
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #49477

Town of Orangetown Planning Board Decision

June 24, 2020

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19. Rockland County Highway Department (RCHD) reviewed the submitted plans and offered the following comments:

- The applicant has provided insufficient details for the proposed retaining walls in the County's Right of Way.
 - The RCHD wants to make it clear that the County has no intention to own or maintain any private load bearing structures in the County Right of Way.
 - The applicant shall make sure that the existing/proposed drainage system is adequately designed to produce no net increase in the peak rate of discharge from the site at all design points.
 - A road work permit shall be obtained from the RCHD prior to starting construction in the site.
20. The Rockland County Department of Health (RCDOH) reviewed the information and offered the following comment;
- If the proposal is to be amended to increase the number of bedrooms, the existing septic system will need modifications. Engineered plans will need to be submitted to RCDOH for review and approval prior to a building permit being issued. If the number of bedrooms is to remain the same, no modification of the existing system will be necessary.
 - Application is to be made to the Rockland County Department of Health for review of the system for compliance with the County Mosquito Code.

21. 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.

22. The Village of Piermont Building Department requested that the applicant obtain a Piermont Building Permit application for the decks on this project which are located on the tax map in the Village of Piermont.

23. The New York State Department of Transportation (NYSDOT) reviewed the submitted information and found that the proposed project has minimal impact on the State Highway system and the NYSDOT has no additional comments at this time.

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Town of Orangetown Planning Board Decision

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24. 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 Planning Department
Rockland County Department of Highway
Rockland County Department of Health
Rockland County Sewer District #1
New York State Department of Transportation
Village of Piermont

25. 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.

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

27. 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.

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established

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PB #20-07: Hyun Site Plan
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.

Permit #49477

Town of Orangetown Planning Board Decision
June 24, 2020
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Continuation of Condition #28...

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.

29. 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.

30. 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.

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

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Town of Orangetown Planning Board Decision

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32. If the applicant, during the course of construction of any required public improvements or private sanitary or storm sewer improvements, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant (or the applicant's engineer) shall submit their recommendations as to the special treatment or design modification to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's (applicant's engineer's) recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's (applicant's engineer's) disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Federal Wetlands - U.S. Army Corps of Engineers).
33. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
34. 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
35. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

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

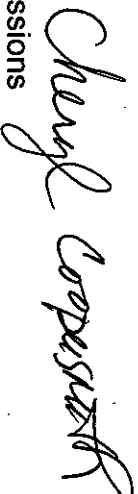
The Clerk to the Board is hereby authorized, directed and empowered to sign this **DECISION** and file a certified copy in the Office of the Town Clerk and the Office of the Planning Board.

Dated: June 24, 2020

Cheryl Coopersmith

Chief Clerk Boards and Commissions

Attachment



201130 S.MR370 NM01

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**State Environmental Quality Review Regulations
NEGATIVE DECLARATION**

Notice of Determination of Non-Significance
PB #20-07: Hyun Site Plan **Permit #49477**
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.

Town of Orangetown Planning Board Decision
June 24, 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: Hyun Site Plan
SEQR STATUS: Type I Unlisted XXXXXX
CONDITIONED NEGATIVE DECLARATION: Yes No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review – Critical Environmental Area
LOCATION: The site is located at 161 Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 75.09, Block 1, Lot 3, in the R-22 zoning district.

REASONS SUPPORTING THIS DETERMINATION:
The Orangetown Planning Board, as Lead Agency, determined that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared. The reasons supporting this determination are as follows:
The project will not have a significant impact upon the environment and a DEIS need not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels or existing external traffic patterns. In addition, it will have no impact upon the aesthetic, agricultural or cultural resources of the neighborhood. No vegetation, fauna or wildlife species will be affected as a result of this proposed action. The proposed action is consistent with the Town of Orangetown 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

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**PB #20-04: Lander Minor Subdivision; Preliminary Subdivision Plan
Approval Subject to Conditions/ Neg. Dec.**

Town of Orangetown Planning Board Decision

June 24, 2020

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TO: William Helmke, 97 Duryea Lane, Nanuet, New York 10980
FROM: Orangetown Planning Board

RE: Lander Minor Subdivision: The application of Patricia Slade Lander, owner, for a Preliminary/ Preliminary/ Final Subdivision Plan Review at a site to be known as “**Lander Minor Subdivision**”, 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 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 1 Duryea Place, Nanuet, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 63.19, Block 1, Lot 5, in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, January 15, 2020 and a Virtual Meeting held on Wednesday, June 24, 2020**, the Board made the following determinations:

January 15, 2020

William Helmke and Donald Brenner appeared and testified before the Board. The Board received the following communications:

1. Project Review Committee Report dated January 8, 2020.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, AIA, Director, dated January 13, 2020.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., January 13, 2020.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated January 14, 2020.
5. Letters from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated December 9, 2019 and Michael Kezner, dated November 26, 2019.
6. A letter and a notice from Rockland County Department of Highway, signed by Dyan Rajasingham, Engineer II, dated December 9, 2019.
7. Letters from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer dated January 14, 2020.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated January 8, 2020.
9. A notice from Suez, signed by Bill Prehoda, dated December 31, 2019.
10. A letter and notice from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chair, dated December 4, 2019.
11. A letter from the Town of Clarkstown Planning Board, dated December 12, 2019, signed by Gilbert Heim, Chairman.

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12. Subdivision Plans prepared by Robert Sorace, PLS, dated October 4, 2019.
13. A Short Environmental Assessment Form signed by William Helmke, dated October 29, 2019.
14. A letter from Patricia Lander, property owner, dated January 14, 2020.

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

Public Comments:

William Cannata, 80 Bradl Lane, raised concerns regarding the impact of the proposed development on drainage.

Hormis Thekkekunel, 3 Duryea Place, noted that his property is at a lower grade than the project site and currently there is a water problem. He raised concerns regarding the increase of water to the area. Mr. Thekkekunel also expressed concerns that the proposed lot would only have a 75 foot frontage and would devalue his property.

The applicant requested a **CONTINUATION**.

June 24, 2020

William Helmke and Donald Brenner appeared and testified before the Board. The Board received the following communications:

1. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, AIA, Director, dated January 13, 2020.
2. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., June 15, 2020.
3. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated June 21, 2020.
4. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated June 1, 2020.
5. Drainage Calculations and Grading, Drainage & Utilities Plan prepared by Paul Gdanski, PE, dated June 16, 2020.
6. Subdivision Plans prepared by Robert Sorace, PLS, dated October 4, 2019, revised April 2, 2020.
7. A Short Environmental Assessment Form signed by William Helmke, dated October 29, 2019.

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

Public Comments:

Pat Landers, property owner of 1 Duryea Place, held that the proposed development would be nice for the neighborhood, not a disturbance.

Hormis Thekkekunnel, 3 Duryea Place, expressed concerns regarding the impact of development on this property's drainage. He noted that there are existing pine trees on site and it impacts his house and property.

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

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (a1) 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 Michael McCrory and carried as follows: Thomas Warren – Chairman, aye; William Young, Vice-Chairman, aye; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, absent; Bruce Bond, aye; Andrew Andrews, aye, and Robert Dell, 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 Robert Sorace, PLS and Paul Gdanski, PE, 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

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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 Health, Rockland County Sewer District No.1, Rockland County Department of Planning, and having reviewed a proposed Subdivision plan by prepared by Robert Sorace, PLS, summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

On motion by Bruce Bond and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; William Young, Vice-Chairman, aye; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, absent; Bruce Bond, aye; Andrew Andrews, aye, and Robert Dell, 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 Subdivision Plan Approval Subject to the Following Conditions:**

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**PB #20-04: Lander Minor Subdivision; Preliminary Subdivision Plan
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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.
3. No ground disturbance shall take place within 20 feet of the Southerly property line. This shall be shown on the Subdivision Plan and Site Plan.
4. The application is for a two-lot subdivision.
5. The subdivision plan shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review (ACABOR), per Chapter 2, section 2-4(A).
6. A building permit application is required to be submitted and ACABOR approval of the proposed dwelling is required prior to development of Lot #2.
7. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained and the Final Site Plan is stamped by the Chief Clerk to the Board and filed at the Rockland County Clerk's Office.
8. The applicant is reminded that the existing home on Lot #1 (if it is connected to the public sanitary sewer system, and the proposed Lot #2 "tie or will tie" into the Rockland County Sewer District #1 system. Therefore, the applicant must get a recommendation from DEME and approvals from the Town of Orangetown Town Board, and the Rockland county Board of Sewer commissioners to qualify for "Out of District" sewer use status.
9. A profile for the proposed sanitary house connection shall be added to the drawings.

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10. 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 main extension/ house connection(s).

11. The datum for the contours shall be given on the plan.

12. A note shall be added to the Subdivision Plan indicating the source benchmark for the referenced datum, including the BM elevation.

13. Drainage Review Recommendation – Brooker Engineering

The Planning Board Drainage Consultant, Brooker Engineering found that the proposed application provides the required information that demonstrates potential impacts with respect to drainage can be mitigated. The Drainage Consultant recommends that Lander Subdivision be approved for drainage subject to the following conditions.

Project Description

This is the second drainage review report for this application; the last review was dated January 14, 2020. The property is located at 1 Duryea Lane, on the east side of the road, north of Bradl Lane.

There is a single-family residential structure located on the northwestern corner of the lot. The land slopes downhill to the east. Proposed grading and drainage facilities for the new home and driveway have been added to the Subdivision Plans. Three six feet diameter drywells have been added to the drainage system to provide mitigation of stormwater mitigation.

Project Comments

1. Revise the grading in the front of the new house to direct stormwater runoff away from the dwelling.
2. Show the limits of the curb around the driveway; it appears stormwater runoff from the driveway will bypass the drywell.
3. Provide additional grading detail that shows that stormwater runoff on Duryea Place will not be directed down the new driveway.
4. Provide the total disturbed area as a map note on the Grading Plan.
5. Show the foundation drain on the plan.
6. Show the overflow pipe, three drywells, and overall depth of drywell on the Seepage Pit System Detail.
7. Provide a drainage area map that shows the area directed to the drywells.

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Continuation of Condition #13...

8. The drainage calculations use a weighted curve number over the entire site. Validate the results by using just the drainage subarea directed to the drywells.
9. Soil percolation data shall be provided to support the assumed perc rate and verify separation of the drywell system invert to the groundwater table.

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

- The Town of Clarkstown is the reason this proposal was referred to the Rockland County Department of Planning for review. The municipal boundary is along the northern border of the site. New York State General Municipal Law states that the purposes of Section 239-1, 239-m and 239n shall be to bring pertinent inter-community and county-wide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and countywide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner which is supportive of the goals and objectives of the general area. The Town of Clarkstown must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Clarkstown be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

- As require by the County of Rockland Drainage Agency, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
- A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.

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Continuation of Condition #14...

- Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Guidelines 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.
- The Rockland County Department of Planning requests the opportunity to review any variances that may be needed to implement the proposed subdivision, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

15. The Town of Clarkstown Planning Board reviewed the proposed subdivision plan and found that the Board deemed the mater for local determination.

16. Based on the information provided, the Rockland County Health Department offered the following comments:

- Records indicate that there is an existing well on the property. Location of the well is to be provided on the plans.
- Should the Board require a stormwater management system, application is to be made to RCDOH for review of the storm water management system for compliance with the County Mosquito Code.

17. Rockland County Sewer District #1 (District) revised the submitted information and offered the following comments:

- (1). An easement, granted by Margaret Luschak, for a District sewer that runs through Tax Lot 63.07-2-39 extends onto the subject property and was recorded by the County Clerk on December 13, 1972 in Liber 920 Page 381.
- a. No permanent structures may be built within the Sewer District easement.
 - b. If any foundation work or other types of major excavation work is to be done within close proximity to the easement boundary, the District must be notified forty-eight (48) hours in advance. Shoring or other types of precautions may be needed to protect the sewer main. The property owner must also pay these expenses.
 - c. To prevent any damage from occurring to the existing main, the District must be notified when the land within the easement is to be modified. This includes but is not limited to regrading, raising or lowering of manhole frames, or working in close proximity to sewers and manholes within the easement. The District must approve any construction to be done with its easement.
 - d. Contractors must obtain required insurance and sign a waiver to defend, indemnify, save and hold harmless both the County of Rockland and Rockland County Sewer District No. 1 from any claims arising from work performed within its easements.

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Continuation of Condition #17...

- (2). According to the 2019 Tax Roll, the existing two-story dwelling on Lot #1 is connected to the Rockland County Sewer District No. 1 sewer system. If the applicant cannot connect Lot #2 to an Orangetown sewer and proposed to connect 1 to the District's sewer in the easement, or to the Clarkstown seer on Duryea Lane and Highland Avenue, the property owner must apply for an "Out of District" hookup. A permit application must be submitted to the Executive Director, which must be supplemented y any plans, specifications, insurance, indemnification, or other information considered pertinent in the judgement of the Executive Director. Each application must be accompanied by the following:
- a. A resolution from the Town of Orangetown Town Board approving the hookup of the sewer from Lot #2 to the Rockland County Sewer District No. 1 sewer system.
 - b. A resolution from the District's Board of Commissioners approving the hookup of the sewer from Lot #2 to the Districts sewer system. The applicant must request the out-of-District connection and the resolution in writing.
 - c. An out-of-District connection fee of three thousand seven hundred dollars (\$3,700.00) per connected unity, which must be paid within thirty (30) days of the Board of Sewer Commissioners' approval of the connection.
 - d. The annual sewer use fee for operations and maintenance, which must be paid within ten (10) days of service becoming available and pro-rated as of that date.
 - e. The area benefit fee, which commences on the date of the Board of Sewer Commissioners' approval of the connection. Area benefit is calculated by an annual tax rate per one hundred dollars (\$100.00) of assessed value. This fee must be paid before release of approval.
 - f. An executed copy of a covenant agreeing to abide by the rules, laws and regulations of the District and its Law, as it may be amended, including the payment of annual sewer use fees and annual area benefit fees. This covenant must be:
 - i. In recordable form, including all prior mortgages or other encumbrances,
 - ii. Accompanied by requisite fees for recording as set forth by the County Clerk,
 - iii. Accompanied by an up-to-date Title Report and paid policy of Title Insurance,
 - iv. Acknowledged by owner of the land, and
 - v. Accompanied by a complete site survey and property description.

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Continuation of Condition #17...

- (3). If the use or occupancy of the property exceeds one (1) unit (e.g. with an additional dwelling unit or home occupation), the District will require further review and the owner will have to pay an additional out-of-District fee.
- (4). Out-of-District connections require approval from the Rockland County Department of Health. A copy of the approval documents must be submitted to the District.
- (5). Out-of-District connections also currently require prior approval from the New York State Department of Environmental Conservation.
- (6). All permits, fees and inspections associated with sanitary sewer connections to the 16-inch sewer main in the easements are the responsibility of the District. A hookup permit must be obtained from the District prior to starting the sewage portion of this job. This will require approval of the details for connecting to the existing sewers, submittal of the County Planning Information Certification, and all necessary insurance, bonds, indemnification and permit fees.
- (7). Details for sanitary sewer connection must comply with the District's construction standards and shall be shown on the plans.
- (8). Details for the sanitary sewer connection beyond the District's sewer main are subject to approval by the Town of Orangetown.
18. 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 Department of Health
 - Rockland County Sewer District #1
 - Rockland County Planning Department
19. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plats prior to signing the final plans.
20. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.
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.

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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.

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.

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

The foregoing Resolution was made and moved by Michael Mandel and seconded by Michael McCrory and carried as follows: Thomas Warren – Chairman, aye; William Young, Vice-Chairman, aye; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, absent; Bruce Bond, aye; Andrew Andrews, aye and Robert Dell, 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: June 24, 2020

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



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

**PB #20-04: Lander Minor Subdivision; Preliminary Subdivision Plan
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
June 24, 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: Lander Minor Subdivision; Preliminary Subdivision Plan
Approval Subject to Conditions/ Neg. Dec.**

SEQR STATUS: Type I Unlisted **XXXXXX**

CONDITIONED NEGATIVE DECLARATION: Yes **No** **XXXXXX**

DESCRIPTION OF ACTION: Minor Subdivision Plan Review

LOCATION: The site is located at 1 Duryea Lane, Nanuet, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 63.19, Block 1, Lot 5 in the R-22 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

The project will not have a significant impact upon the environment and a DEIS need not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels or existing external traffic patterns. In addition, it will have no impact upon the aesthetic, agricultural or cultural resources of the neighborhood. No vegetation, fauna or wildlife species will be affected as a result of this proposed action. The proposed action is consistent with the Town of Orangetown 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 is sent:
- Commissioner, New York State Department of Environmental Conservation, -
Region 3 Headquarters, NYSDEC, - Town Supervisor, Applicant,
Involved Agencies

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