

TOWN OF ORANGETOWN PLANNING BOARD
Meeting of Wednesday, October 23, 2019

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

MEMBER ABSENT: Stephen Sweeney

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

Thomas Warren, Chairman, called the meeting to order at 7:30 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 Item from the March 27, 2019 Meeting:

1050 Route 9W Site Plan - Critical Environmental Area **PB #19-20**

Prepreliminary/Preliminary/ Final Site Plan
and SEQRA Review

1050 Route 9W, Upper Grandview

71.09/1/28; R-22 zoning district

**Postponed
by Applicant**

Continued Item from the July 31, 2019 Meeting:

Rubano Site Plan – Critical Environmental Area **PB #18-42**

Prepreliminary/Preliminary/ Final Site Plan
and SEQRA Review

1129 & 1131 Route 9W, Upper Grandview

71.05/2/24 & 29; RG zoning district

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

Continued Item from the September 25, 2019 Meeting:

Alatsas – DWA LLC Minor Subdivision Plan **PB #19-55**

Prepreliminary/ Preliminary/

Final Subdivision Plan and SEQRA Review

15 & 19 Mercury Drive, Pearl River

68.14/2/49 & 50; R-15 zoning district

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

TOWN CLERK'S OFFICE

2019 NOV 15 A 11:36

TOWN OF ORANGETOWN

**Meeting of October 23, 2019
Town of Orangetown Planning Board**

New Items:

Bergson Subdivision Plan
Request for Two 90 Day Extensions
to File the Subdivision Plat with
Rockland County Clerk's Office
56 Woods Road, Palisades
78.18/1/3.1 & 3.2; R-80 zoning district

PB #19-69

**Granted Two (2)
90 Day Extensions
to File**

Gordon Grading Plan
Prepreliminary/ Preliminary/ Final Grading Plan
and SEQRA Review
242 South Greenbush Road, Orangeburg
70.19/1/33; R-15 zoning district

PB #19-70

**Final Grading Plan
Approval Subject to
Conditions/ Neg. Dec.**

Loretta Jara Subdivision Plan
Tappan Historic District
Final Subdivision Plan
52 Oak Tree Road, Tappan
77.11/3/55; R-15 zoning district

PB #19-71

**Final Subdivision Plan
Approval Subject to
Conditions**

The decisions of the October 7, 2019 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Bruce Bond and seconded by Michael Mandel and carried as follows: Thomas Warren – Chairman, aye; William Young - Vice-Chairman, aye; Michael Mandel, aye; Stephen Sweeney, absent; Robert Dell, abstain; Michael McCrory, aye; Bruce Bond, aye and Andrew Andrews, abstain.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Michael Mandel and seconded by Andrew Andrews and agreed to by all in attendance. The meeting was adjourned at 9:30 p.m. The next Planning Board meeting is scheduled for November 13, 2019.

DATED: October 23, 2019

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



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**TO: Dwight Joyce, Esq., 2 Joyce Plaza, Stony Point, New York 10980
FROM: Orangetown Planning Board**

RE: Rubano Site Plan: The application of Henry Rubano, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site to be known as “**Rubano Site Plan**”, located in the Critical Environmental Area, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 1129-1131 Route 9W, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 2, Lots 24 & 29 in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **November 14, 2018, July 31 and October 23, 2019** at which time the Board made the following determinations:

November 14, 2018

Dwight Joyce, Rick Rubano and Henry Rubano appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated November 7, 2018.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, from Rick Oliver, Deputy Building Inspector dated November 6, 2018.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated November 9, 2018.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated October 9, 2018.
5. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated October 29, 2018.
6. A letter from the Rockland County Department of Highways, signed by Dyan Rajasingham, Engineer II dated October 12, 2018.
7. Letters from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer dated November 13, 2018.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated October 24, 2018.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated October 17, 2018.

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10. A Short Environmental Assessment Form signed by Henry Rubano, dated May 30, 2018.
11. Site Plan prepared by Anthony Celentano, PLS dated April 18, 2017.
12. Building Permit Referral to the Planning Board dated February 16, 2018 prepared by Rick Oliver, Building Inspector.
13. A Project Narrative prepared by the applicant.

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

The applicant requested a **CONTINUATION**.

July 31, 2019

Dwight Joyce, Rick Rubano and Henry Rubano appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 24, 2019.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Rick Oliver, Deputy Building Inspector, dated July 25, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 25, 2019.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E. dated July 22, 2019.
5. A letter from Rockland County Department of Planning, signed by, Douglas Schuetz, Acting Commissioner of Planning and Michael Kezner, dated July 15, 2019.
6. A letter from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated July 29, 2019.
7. A letter from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated July 1, 2019.
8. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Safety Inspector, dated July 26, 2019.

Public Comment:

Mark Greenspan, 236 South Broadway, Upper Grandview, raised concerns regarding the entrance to the rail trail and pedestrian safety. He noted that there are a number of traffic accidents in the area.

The Board recommended that the two tax lots be merged into a single lot prior to proceeding with site plan review. The applicant requested a **CONTINUATION**.

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October 23, 2019

Dwight Joyce, Rick Rubano and Henry Rubano appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated October 16, 2019.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, from Rick Oliver, Deputy Building Inspector, Office of Building, Zoning, Planning Administration and Enforcement dated October 16, 2019.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated October 18, 2019.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated October 22, 2019.
5. An interdepartmental memorandum from Michael Bettmann, Chief Fire Safety Inspector, Town of Orangetown Bureau of Fire Prevention, dated July 26, 2019.
6. Site Plans prepared by Anthony Celentano, P.E. dated April 18, 2017, last revision date of May 18, 2019:
Sheet 1 of 5: Existing Grading & Utilities Plan
Sheet 2 of 5: Layout Plan
Sheet 3 of 5: Proposed Grading Plan
Sheet 4 of 5: Proposed Utility Plan
Sheet 5 of 5: Detail Plan

The Board reviewed the plans. The hearing was then 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 Bruce Bond and 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; Bruce Bond, aye and Stephen Sweeney, absent

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 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; Bruce Bond, aye and Stephen Sweeney, absent, the Board declared itself Lead Agency.

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, and the applicant's consultant, Anthony Celentano, P.E. and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies:, Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Sewer District #1, New York State Department of Transportation, New York State Department of Environmental Conservation, and having reviewed the drawings presented by the applicant's professional consultants; Anthony Celentano, P.E., 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;

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- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

On motion by Bruce Bond and seconded by William Young 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; Bruce Bond, aye; and Stephen Sweeney, absent; the Board made a Negative Declaration pursuant to SEQRA.

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

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

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3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.
4. The Site Plan needs to show the property address.
5. The construction drawings will need to be sealed by a licensed professional. In addition, the drawing shall also note the street address.
6. The application shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
7. Curbing shall be placed at the entrance to the driveway to prevent water from running down the driveway. Drainage system, based on grade elevations shown, appears to send the majority of water collected downhill. Please provide the percentage of water that is going to remain on the property with this system; the first 2" of rain should remain on the site.
8. The house footing and leader drains are traveling 67' to the retention area. It may be more prudent to install separate system for house between the house and parking area. Also, the plan submitted to the building inspector showed a footing drain to daylight (from house), going to property line. This needs to be removed.
9. The Bulk Table needs to be on the construction drawing and "sealed". Remove Total Side Yard as there is only one side yard. Need to correct height calculations. Revise the Bulk Table to show 20' Max Height.
10. Construction drawings need to show "Mean Height" properly. May need variance.
11. Front yard patio not shown in elevation; it is assumed that it is raised because the front yard setback uses the patio in the bulk table.
12. Chapter 43, Table 3.12, column 1-RG District, Column 2- Group Q, Column 3- Single Family Residence, Column 8 -Minimum Front Yard setback 25' with 4.3" proposed, Column 11-Minimum Rear Yard setback 25' with 7" proposed, Column 12- 1'-4" per foot height allowance or 5.67' allowed with no value proposed.

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13. Recommend pervious driveway to alleviate some runoff (requires a zoning variance.)
14. The entire driveway up to the garage must be stabilized to support 75,000 lbs. for emergency apparatus.
15. The drainage calculations that were submitted are under review by DEME. However, the perc test results shall be added to the calculations.
16. The location of the underground stormwater system shall be shown on the driveway profile. Also, the size of the driveway profile shall be increased for ease of review.
17. Details for the proposed subsurface detention system shall be added to the drawings.
18. The location of the soil boring tests performed shall be added to the plan.
19. A level spreader or other energy dissipating devise shall be depicted at the exhaust of the proposed 6 inch overflow pipe from the subsurface stormwater system. A detail for same shall be added to the drawings.
20. The size of the proposed sanitary house connection shall be given on Sheet 4 of 5. As a reminder, the sanitary house connection shall be 4 inched in diameter inside of the property and 6 inches in diameter for the portion of the line that is outside the property (i.e. in the ROW for Route 9W and South Broadway.) The plan, profile and building connection detail shall all be revised to show same.
21. The proposed sanitary cleanout top and invert elevations, for ALL proposed cleanouts, shall be given on the plan view.
22. A cleanout with top and invert elevations, shall be added to the proposed sanitary house connection, right inside the property line.

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23. A note shall be added to the plans stating that the Town of Orangetown Sewer Inspector shall be notified at least 48 hours prior to any and all construction relating to the proposed sanitary house connection.

24. The metes and bounds, utility location, page and liber, instrument number, and ownership of any and all easements on the project site shall be added to the drawings.

25. The datum for the contours shall be given on the plan(s). Also, a note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.

26. Drainage Review Recommendation – Brooker Engineering

The Drainage Consultant to the Planning Board, Brooker Engineering has reviewed the submitted information and found the applicant is proposing to increase the impervious area and is proposing an infiltration pipe for stormwater mitigation. The information provided demonstrates that potential significant adverse impacts with respect to drainage can be mitigated and therefore recommends that the Rubano Site Plan be approved for drainage subject to the following Project Comments.

Project Description

This is the third drainage review report for this project; the last review was dated July 22, 2019. The site is triangular in shape with Route 9W to the west, the rails-to-trails path to the east, and a residential lot to the south. The site is currently undeveloped and lightly wooded. The site is fairly steep with Route 9W on the uphill side and the trail path and drainage ditch on the downhill side. There is a small existing retaining wall made of discarded stone, concrete blocks and slate on the southern end of the site. Additionally, there is a stormwater pipe running south of the site from Route 9W that daylights into the drainage ditch running along the eastern property line. Stormwater runoff flows downhill in an easterly direction.

The project involves the clearing and removal of existing trees, regrading of steep slopes, and the construction of a new single-family home, detached garage, retaining walls, and driveway. Runoff from the single-family home, garage and portions of the driveway will be directed into an oversized 48 inch diameter detention pipe.

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Continuation of Condition #26...

Project Comments

1. The graphic scale is labeled as 1" = 10', but the drawings scale to 1" = 20'. The Drainage Consultant recommends the drawings be plotted at 1"=10' to improve the drawing clarity.
2. As per the July 22, 2019 drainage report, provide additional proposed grading at the western side of the proposed house and garage to demonstrate positive drainage away from and around the structures.
3. As per the July 22, 2019 drainage report, the drawings shall be clarified to clearly show all new impervious areas.
4. As per the July 22, 2019 drainage report, details shall be provided for each manhole and all invert elevations provided.
5. As per the July 22, 2019 drainage report, the rim elevation of the northern drainage manhole shall be consistent with the contour interval shown on the plan.
6. As per the July 22, 2019 drainage report, top of wall elevations shall be adjusted along the north side of the wall so the top of wall is higher than the proposed pavement.
7. As per the July 22, 2019 drainage report, the trench drain rim varies with the grade of the driveway; additional elevations shall be added along the trench drain.
8. As per the July 22, 2019 drainage report, show proposed curb along the driveway.
9. As per the July 22, 2019 drainage report, provide a plan view of the detention pipe.
10. As per the July 22, 2019 drainage report, show the footing drains for the garage and for the retaining wall.
11. As per the July 22, 2019 drainage report, the retaining wall details shall be reconfigured to provide more clarity.
12. As per the July 22, 2019 drainage report, line 5 on the drainage calculations shall correct the length of pipe used in the calculations.
13. As per the July 22, 2019 drainage report, line 6 in the drainage calculations shall deduct for the volume of pipe when calculating the volume in the stone voids.
14. As per the July 22, 2019 drainage report, subarea maps for existing and proposed conditions shall be included in the drainage report. The subareas should include areas being diverted to the detention system and areas bypassing the detention system. Impervious areas for existing and proposed conditions shall clearly be shown on these maps.

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Continuation of Condition #26...

15. As per the July 22, 2019 drainage report, soil percolation tests shall be performed to verify the assumed percolation rate. Depth to groundwater shall be verified and separation between the groundwater table and invert of the stone shall be demonstrated.

16. The storm drainage pipe used for detention shall be changed from a 36 inch diameter pipe on the Utility Plan to match the 48 inch diameter pipe on the Detail Plan.

17. Existing and proposed contours shall be included on the Utility Plan.

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

- The comments in the July 1, 2019 letter from the Rockland County Highway Department must be met. In addition, the previous comments referenced in their October 12, 2018 letter must also be met.
- An updated review shall be completed by the New York State Department of Transportation, and all required permits obtained.
- An updated review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.
- The Village of Grand View - on - Hudson is one of the reasons this proposal was referred to Rockland County Department of Planning for review. The municipal boundary touches the southeastern property line of the site. As required under Section 239nn of the State General Municipal Law, the Village of Grand - on – Hudson must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Orangetown.
- We agree with the comment in the Rockland County Highway Department's letter that the site plan is very difficult to read as drawn. The engineer has provided a plan that contains many layers as one, including the site plan of the proposal, grading, steep slopes, drainage, tree preservation, erosion control, stormwater and utilities. Separate plans must be provided so that the map is more decipherable. In addition, the legend must indicate what the shaded area on the map represents. Lastly, the site plan shall contain map notes that list all appropriate information, include the district details. The applicant's engineer has been reminded of this requirement, and the importance of providing these details.

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Continuation of Condition #27...

- The narrative only lists tax parcel 71.05-2-24 for the subject site; all other information lists both parcels as part of the application. Tax parcel 71.05-2-29 must also be listed in the narrative. In addition, the narrative states that access to the property is through permission from abutting land owned by the applicant. This language is confusing since the two parcels are owned by the same person. Since tax lot 71.05-2-29 is an integral part of the site plan for the single family dwelling, by providing access and stormwater basins, and since both lots are very undersized and in the same ownership, the tax parcels must be merged to result in a larger, single parcel.
- The engineer has now drawn a portion of South Broadway on the plans, but the southern portion that intersects with US Route 9 W is missing. The complete street must be provided, especially since the access is from this roadway.
- Retaining walls that are over four (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.
- 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.
- 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 site plan, as required by New York State General Municipal Law, Section 239m (3)(a)(v).

28. Rockland County Highway Department reviewed the submitted plans and offered the following comments:

- The proposed variances from the standard zoning ordinance would potentially have adverse effects on the surroundings, especially on traffic conditions and stormwater management issues. The applicant has to investigate the concerns and justify the action. If necessary, mitigation measures may have to be proposed to alleviate the issues.
- The proposed driveway at Route 9W is in fact an intersection. Having another driveway intersection in the close proximity to an existing critical intersection would create additional traffic concerns on the public roadways unless property study and mitigation measures are proposed as part of the proposed development.

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Continuation of Condition #28...

- The proposed driveway is missing critical details, such as available sight distance, driveway width, distance to the existing intersection, etc. Substandard driveway configurations would only compromise the traffic safety on the public roads. Therefore, the applicant needs to analyze and conform all the pertinent details associated with the driveway configuration.
- The roadway at the proposed driveway is expected to have heavy stormwater runoff on the pavement due to the driveway profile. This concern would potentially impede the traffic flow and may cause local flooding in the area. The applicant will have to investigate the concern and mitigate the problem, if necessary.
- The permanent structures proposed in the public right of way, such as walls and retaining walls, shall be designed to the standards of the authority having jurisdiction over it. The details shall also be provided for the permanent structures. In addition, those permanent structures, if accepted, may need use and occupancy permits from the same authority.
- The current submission provides all the information on one sheet. It is therefore crowded. The applicant shall provide clear legible drawings in the next submission.
- The site details provided on a signal sheet of draw are crowded. The plan sheet is unclear and unacceptable. The applicant must present the level of detail and types of plan sheets that are appropriate for the project being undertaken, such as – existing condition of the site, proposed site plan, drainage and grading plan, utilities plan, construction details, storm water pollution prevention plan (SWPPP), dimensions.
- The construction details/ standard sheets shall be specifically included by reference.
- We recommend that the paper size of 24" by 34" should be used to prepare and submit the plan drawings for review.
- Percolation tests shall be performed at the site. The actual rate of percolation shall be used in the drainage calculation.

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Continuation of Condition #28...

- The proposed retaining wall shall be designed and certified by a Professional Engineer.
- The sight distance calculation is inaccurate. It shall be calculated per the guidelines available on "Highway Design Manual."

29. The Rockland County Department of Health reviewed the information and offered the following comment;

- Application is to be made to the Rockland County Department of Health for review of the system for compliance with the County Mosquito Code.
- Inverts of the existing sanitary manholes in NYS Route 9W are to be provided to verify that the sanitary connection can be achieved via gravity.

30. The Town of Orangetown Bureau of Fire Prevention reviewed the information and offered the following comment; the entire driveway up to the garage must be stabilized to support 75,000 lbs. for Emergency Apparatus.

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

- Rockland County Health Department
- Town of Orangetown Zoning Board of Appeals
- New York State Department of Transportation

32. 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.

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

34. 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:

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Continuation of Condition #34...

- 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.

35. 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.

36. 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.

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

TOWN OF ORANGETOWN
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TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
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38. 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).

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

40. 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

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

The foregoing Resolution was made and moved by Bruce Bond, seconded by William Young, 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; Bruce Bond, aye and Stephen Sweeney, absent.

Amendment to Preliminary Site Plan Approval Subject to Conditions:

After the vote, certain Board Members raised issues that required amending the Preliminary Site Plan Approval. A motion was made to Reopen the Preliminary Site Plan Approval Subject to Conditions by Bruce Bond and second 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; Bruce Bond, aye and Stephen Sweeney, absent.

TOWN OF ORANGETOWN
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TOWN CLERK'S OFFICE

**PB #18-42: Rubano Site Plan
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #47553

**Town of Orangetown Planning Board Decision
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Additional Condition:

42. The applicant shall restudy the configuration of the driveway and placement of the garage on the site.

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

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

Dated: October 23, 2019

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



Town Attachment

TOWN OF ORANGETOWN
2019 NOV 15 A 11:38
TOWN CLERK'S OFFICE

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

**PB #18-42: Rubano Site Plan
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.
October 23, 2019**

Permit #47553

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

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

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 1129-1130 Route 9W, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 2, Lots 24 & 29 in the RG zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

TOWN OF ORANGETOWN
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TOWN CLERK'S OFFICE

**PB #19-55: Alatsas – DWA LLC Minor Subdivision Plan
Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

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

RE: Alatsas-DWA LLC Minor Subdivision Plan: The application of George Alatsas, applicant for DWA LLC and Tomasz and Aneta Kowalski, owners, for Prepreliminary/ Preliminary/ Final Subdivision Plan (one new lot) at a site to be known as “**Alatsas-DWA LLC Minor Subdivision Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown 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 15 & 19 Mercury Drive, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 68.14, Block 2, Lots 49 & 50 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, September 25 and October 23, 2019**, the Board made the following determinations:

September 25, 2019

Jay Greenwell, George Alatsas and Dominick Wolchinki appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated September 18, 2019.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement (OBZPAE), Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated September 23, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., September 20, 2019.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated September 23, 2019.
5. A letter from Rockland County Department of Planning, signed by Arlene Miller, Principal Planner, dated August 19, 2019.
6. A letter from Rockland County Department of Highway, signed by Dyan Rajasingham, Engineer III, dated August 12 & 15, 2019.
7. Letters from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated August 30, 2019.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated September 3, 2019.

TOWN OF ORANGETOWN
NOV 15 A 11:38
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**PB #19-55: Alatsas – DWA LLC Minor Subdivision Plan
Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated September 16, 2019.
10. A letter from Rockland County Department of Planning, signed by Michael Kezner, dated August 9, 2019.
11. Subdivision Plans of Property for Alatsas – DWA LLC prepared by Jay Greenwell, PLS, dated June 26, 2019:
 - Sheet 1 of 3: Subdivision
 - Sheet 2 of 3: Grading, Drainage & Utility Plan
 - Sheet 3 of 3: Details
12. A Short Environmental Assessment Form signed by George Alatsas, dated July 22, 2019.

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

Public Comment:

Julie Fallen, 11 Harding Street, Pearl River; questioned the Board regarding the style of home to be constructed. She also wanted to know if other lots in the neighborhood would now be subdivided. Ms Fallen wanted to know the zoning of the site.

Jennifer Dworkin, 3 Harding Street, Pearl River; raised concerns regarding the loss of up to 19 trees on the site, a loss to the area.

The applicant requested a **CONTINUATION**.

October 23, 2019

Jay Greenwell, George Alatsas and Dominick Wolchinki appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated October 18, 2019.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement (OBZPAE), Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated October 18, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., October 18, 2019, with an attachment of a memorandum from Jay Greenwell, PLS, dated October 3, 2019.

TOWN OF ORANGETOWN
2019 NOV 15 A 11:38
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**PB #19-55: Alatsas – DWA LLC Minor Subdivision Plan
Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated October 22, 2019.
5. An Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael B. Bettmann, Chief Fire Inspector, dated October 10, 2019.
6. A letter from Rockland County Department of Health, signed by Elizabeth Mello, P.E., dated October 22, 2019.
7. A Narrative Summary, dated October 4, 2019, prepared by Jay Greenwell, PLS.
8. Subdivision Plans of Property for Alatsas – DWA LLC prepared by Jay Greenwell, PLS, dated June 26, 2019, last revised September 30, 2019:
 - Sheet 1 of 3: Subdivision
 - Sheet 2 of 3: Grading, Drainage & Utility Plan
 - Sheet 3 of 3: Details
9. A Landscape Plan prepared by Edge Landscaping, undated.
10. A Full Environmental Assessment Form signed by Jay Greenwell, dated September 26, 2019.

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

There being no one to be heard from the public, a motion was made to close the Public Hearing portion of the meeting by Michael Mandel and second by William Young 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; Bruce Bond, aye and Stephen Sweeney, absent.

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 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; Bruce Bond, aye; Andrew Andrews, aye; and Stephen Sweeney, absent, 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.

TOWN CLERK'S OFFICE
2019 NOV 15 11:38
TOWN OF ORANGETOWN

**PB #19-55: Alatsas – DWA LLC Minor Subdivision Plan
Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

**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, the applicant's professional representatives, namely Jay Greenwell, PLS and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Sewer District No.1, and having reviewed a proposed Subdivision plan by prepared by Jay Greenwell, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

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**PB #19-55: Alatsas – DWA LLC Minor Subdivision Plan
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**Town of Orangetown Planning Board Decision
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On motion by Bruce Bond and 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; Bruce Bond, aye; Andrew Andrews, aye; and Stephen Sweeney, absent, 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 **Final Subdivision Plan Approval Subject to the Following Conditions:**

1. The following note shall be placed on the subdivision plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. A minimum of 5 trees shall be added to the rear yard, adjacent to the property line (in the location where the current trees are to be removed) to screen the vehicular headlights shining onto the adjacent lot.
4. The Planning Board granted a waiver of the Architecture and Community Appearance Board of Review, requiring review at the time the lots are proposed for a specific dwelling plan, under Site Plan Review.
5. Upon submission of proposed house plans for a building permit, the applicant will be required to obtain approval from the Town of Orangetown Architecture and Community Appearance Board of Review
6. The existing dwelling shall be demolished and the shed shall be relocated prior to the Clerk to the Planning Board signing the Subdivision Plat. The applicant must apply for and obtain a separate demolition permit for said structures.
7. The Full Environmental Assessment Form is under review by OBZPAE.

TOWN OF ORANGETOWN
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**PB #19-55: Alatsas – DWA LLC Minor Subdivision Plan
Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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8. The drainage calculations are currently under review by DEME.
9. DEME will accept the stipulation and related map note as proposed by the applicant's surveyor, Jay Greenwell, PLS, spelled out in his transmittal letter of October 3, 2019. However, the note shall be amended as follows:
- "At the time of submission for a building permit for Lots 1 or 2, the applicant shall provide Orangetown DEME with additional **perc tests, soil borings and** ground groundwater elevations determinations (in the location of the proposed drywells). These supplemental tests shall be made in the spring, when the groundwater table is typically at its highest. Based on the review of the **perc tests, soil borings, and** groundwater elevation by the Orangetown DEME, the dwelling and or drainage design shall be amended as may be required **and submitted for review and approval by the Town of Orangetown Department of Environmental Management and Engineering**, prior to the issuance of a building permit."
10. Note #37 on the Site Plan shall be amended as follows:
- "Per Orangetown DEME, the existing sanitary house connection for DWLG #19 (to be demolished) shall be removed to the main, then cut and capped at the main, unless it can be re-used for one of the new hoses to be built. **The determination as to whether or not the existing sanitary connection can be re-used, will be made by the Town of Orangetown Sewer Inspector.**"
11. The Drainage Consultant to the Planning Board, Brooker Engineering reviewed the application and found that sufficient information had been provided to determine that potential significant impacts with respect to drainage can be mitigated. The Drainage Consultant therefore recommends that the Alatsas Subdivision be approved for drainage subject to the following comments:

Project Description

This is the second drainage review report for this project; the last report was dated September 22, 2019. The project consists of three lot subdivision over two existing tax lots. An existing residence will be removed and two new structures are proposed to be constructed. The land slopes downhill in an easterly direction. The project proposes stormwater mitigation in the form of three total drywells for about 4,180 square feet of new impervious area.

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**PB #19-55: Alatsas – DWA LLC Minor Subdivision Plan
Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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Continuation of Condition #11...

Project Comments

1. As per the September 22, 2019 report, the drainage calculations shall evaluate the individual lots. The drainage calculations currently show the cumulative impacts of the new impervious surface over Lots 1 and 2, with a total amount of required mitigation in the form of drywells. The drywell mitigation is not proportionately distributed based on the proposed impervious areas.
2. Soil test pits shall be performed to verify the assumed percolation. Separation to groundwater shall be verified.
3. Add additional grading on the east side of the drywell of Lot 1 to direct stormwater overflows from the drywell toward the road.

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

- A review shall be completed by the County of Rockland Department of Highways and any concerns addressed and required permits obtained.
- As required by Rockland County Stream Control Act, 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 Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 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 Standards for Urban Erosion and Sediment Control.
- There shall be nonet increase in the peak rate of discharge from the site at all design points.
- A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.

13. Based on the information provided, the Rockland County Health Department (RCDOH) offered the following comments:

1. Realty Subdivision approval is required from the RCDOH,
2. Application is to be made to the Rockland County Department of Health for review of the storm water management system for compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

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14. Rockland County Department of Highways found no comments at this time.

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

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

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

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

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

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

20. 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.

21. 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:

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**PB #19-55: Alatsas – DWA LLC Minor Subdivision Plan
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Town of Orangetown Planning Board Decision

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Continuation of Condition #21...

- 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.

22. 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.

23. 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.

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

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

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

27. 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

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

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

Dated: October 23, 2019

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

attachment



TOWN CLERK'S OFFICE
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**State Environmental Quality Review Regulations
NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

**PB #19-55: Alatsas – DWA LLC Minor Subdivision Plan
Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

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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: Alatsas-DWA LLC Subdivision Plan

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

**DESCRIPTION OF ACTION: Alatsas-DWA LLC Subdivision - Final
Subdivision Plan subject to Conditions/ Neg. Dec.**

LOCATION: The site is located at 15 and 19 Mercury Drive, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.14, Block 2, Lot 49 & 50; in the R-15 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

TOWN OF ORANGETOWN

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PB #19-69: Bergson Subdivision Plan Granted 90 Day Extension to File the Subdivision with the Rockland County Clerk's Office

Town of Orangetown Planning Board Decision

October 23, 2019

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

RE: Bergson Subdivision Plan: The application of Palisades 9W LLC, applicant, Wyandanch Washington Realty LLC, owner, for two 90 Day Extensions to File the Subdivision Plan with the Rockland County Clerk's Office at a site to be known as "**Bergson Subdivision Plan**" in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 56 Woods Road, Palisades, in the Palisades Historic District, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 78.18, Block 1, Lots 3.1 & 3.2 in the R-80 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 23, 2019**, at which time the Board made the following determinations:

The Board received the following communications:

1. Project Review Committee Report dated October 18, 2019.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated October 18, 2019.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 18, 2019.

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

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

TOWN CLERK'S OFFICE
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PB #19-69: Bergson Subdivision Plan Granted 90 Day Extension to File the Subdivision with the Rockland County Clerk's Office

Town of Orangetown Planning Board Decision

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DECISION: In view of the foregoing, the Board **GRANTED Two (2) 90 Day Extensions to File the Subdivision Plan with the Rockland County Clerk's Office.** **DEME notes the following items remain outstanding:**

- a. The applicant shall use the Town of Orangetown's sanitary "doghouse" manhole detail that was provided – on drawing #4.
- b. DEME is still waiting for the Road/ Common Force main/ and Private Sewer – Transportation Corporation agreements to be submitted and reviewed by the Town of Orangetown Town Attorney's Office and DEME.
- c. The Performance Bond will be submitted under separate cover.

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

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

Dated: October 23, 2019

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



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**PB #19-70: Gordon Grading Plan
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #48962

**Town of Orangetown Planning Board Decision
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**TO: Abigail Gordon, 242 South Greenbush Road, Orangeburg,
New York 10962**
FROM: Orangetown Planning Board

RE: Gordon Grading Plan: The application of Abigail Gordon, owner for Prepreliminary/ Preliminary/ Final Grading Plan, at a site to be known as “**Gordon Grading Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 242 South Greenbush Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map: Section 70.19, Block 1, Lot 33; in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 23, 2019** at which time the Board made the following determinations:

Abigail Gordon and Matthew Fishman appeared and testified.

The Board received the following communications:

1. A Project Review Report dated October 18, 2019.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, AIA, Director, dated October 18, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 18, 2019.
4. Letters from Kenneth DeGennaro, Brooker Engineering; Drainage Consultant to the Planning Board, dated October 23 & 16, 2019.
5. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated October 7, 2019.
6. A letter from Rockland County Department of Highway, signed by Dyan Rajasingham, Engineer III, dated September 19, 2019.
7. A letter from Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated December 4, 2018, with a cover email from Shajan Thottakara, P.E., CFM, dated September 19, 2019.
8. A letter from Rockland County Department of Health, signed by Elizabeth Mello, P.E., dated October 22, 2019.
9. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFiandra, Engineer II, dated September 25, 2019.

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10. A letter from the New York State Department of Environmental Conservation, signed by Chris Lang, Division of Environmental Permits, Region 3, dated September 24, 2019.
11. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chair, dated September 18, 2019.
12. A letter from the Rockland County Department of Planning, signed by Michael Kezner, dated September 16, 2019.
13. A Short Environmental Assessment Form, signed by Abigail Gordon, dated June 25, 2019.
14. A Narrative submitted by the applicant.
15. Site Plan prepared by Anthony Celentano, P.E., dated June 3, 2019, last revised September 10, 2019.

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

Public Comment:

Constantine Bellas, 240 South Greenbush Road, voiced support for the project and gave verbal permission to the applicant to place fill on his property.

There being no one else from the public, a motion was made to close Public comments by Michael Mandel and seconded by Bruce Bond and carried as follows: Thomas Warren – Chairman, aye; William Young, Vice-Chairman, aye; Michael Mandel aye; Stephen Sweeney, absent; Michael McCrory, aye; Robert Dell, aye and Andrew Andrews, 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 Bruce Bond and seconded by William Young and carried as follows: Thomas Warren – Chairman, aye; William Young, Vice-Chairman, aye; Michael Mandel aye; Stephen Sweeney, absent; Michael McCrory, aye; Robert Dell, aye; Andrew Andrews, 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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**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): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agency; Rockland County Sewer District No.1, and a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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

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**Town of Orangetown Planning Board Decision
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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. 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.

3. The applicant shall move the grade back out of the Federal Wetlands and not fill in that area of the site. The applicant shall obtain a signed and sealed letter from its engineer stating that fill and grade does not encroach on the Federal Wetlands.

4. On December 6, 2018 and again on January 7, 2019, Code Enforcement observed dumping of fill and regrading of the property in excess of two feet. The owner was advised that this is not permitted and they were required to file for a building permit. Code Enforcement issued a Violation Letter and a Stop Work Order.

a. Per Town of Orangetown Town Code Chapter 21, section 21-7 Land Clearing Operations; (A). No parcel of land...capable of development...on a lot no greater than twice the minimum lot area shall be graded, filled, or otherwise disturbed from its natural state until approval of the Planning Board.

b. Per Town of Orangetown Town Code Chapter 24, section 24C-11 Filling, grading and Drainage; (A) No parcel of land... shall be filled or have the grade of premises raised by more than two feet without first obtaining a building permit.

5. There are federal wetlands located at the west side of the property. The edge of fill is indicated within the area of the federal wetlands. The applicant must obtain approval from the U.S. Army Corps of Engineers as no work or disturbance is permitted within the Federal wetlands without review and approval.

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**Town of Orangetown Planning Board Decision
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6. Explain how the existing trees are going to be addressed due to the proposed change in grade. Plans must show details to address this and any trees to be removed.
7. Installation of silt fence and soil control measures must be inspected prior to the issuance of a permit.
8. The applicant is advised that directing runoff to adjacent properties is not permitted. The applicant must confirm that the proposed grading will not direct runoff to the adjacent properties.
9. No building permit will be issued until the applicant obtains approval and required permits from all involved agencies.
10. The total area of disturbance shall be listed on the plan.
11. The applicant's engineer shall certify (sign and seal) a letter as to whether the existing 100 year flood plain was encroached upon or in any way altered or filled by the installation of this fill. **IF** the floodplain has been altered, it will need to be restored to its original location, to the satisfaction of the Rockland County Drainage Agency. The engineer's letter shall also describe what impacts the fill has/ will have on the 100 year flood plain and any and all impacts on the neighboring properties.
12. The application states that over two feet of fill has been placed onsite. The approximate total volume of fill that has been placed onsite shall be added to the plans. Also, the pre-fill grading shall be added to the drawing so as to clearly see the location and amount of fill that has been added to the site.
13. The plan appears to indicate that disturbance or fill has been placed on the neighboring property to the south (the leader for the "All disturbed area to be..." note shows this.) If accurate, all fill placed on the neighboring property shall be removed and that property restored to its original condition.
14. **Drainage Review Recommendation** - Brooker Engineering
Sufficient information has been provided with respect to mitigation for potential significant impacts with respect to drainage. Brooker Engineering, the Planning Board Drainage Consultant, therefore recommends that the Gordon Grading Plan be approved for drainage subject to the following Project Comment.

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Continuation of Condition #14...

This is the second drainage review report for this application; the last review was dated October 16, 2019. The project consists of importing fill in the backyard of the existing single family residence at 242 Greenbush Avenue. The fill dimensions have a footprint of approximately 140 feet by 85 feet and a depth of two feet. The Sparkill Creek floodplain is located on the property; the western portion of fill is located within the Sparkill Creek floodplain. Stormwater runoff flows west through the property to the Sparkill Creek. No proposed impervious surfaces are being added as part of this application.

For the revised submission, the applicant has removed fill placed on the neighbor's property, added drainage swales on the subject property to avoid stormwater runoff from the driveway being directed to the parcel to the south, and verified that no new impervious area is being added.

Project Comments

1. For ease of construction inspection, provide a detail of the proposed swales around the fill limits.

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

- A review must be completed by the County of Rockland Drainage Agency, any comments or concerns addressed, and all required permits obtained.
- The applicant must comply with the conditions of the Rockland County Highway Department in their letter of September 19, 2019.
- A review must be completed by the County of Rockland Division of Environmental Resources and any concerns addressed.
- The regrading must be redesigned so as to be kept out of the federal wetlands.
- 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. This is especially important as the proposed regrading and silt fence erosion control devices are located within very close proximity to the federal wetlands.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- The site plan shows the silt fence is placed uphill of the edge of fill. This must be relocated so that it is down grade from the edge of fill.
- The location of the proposed fence must be shown on the Site Plan.
- The area to be regraded shall be clearly delineated in the field to ensure compliance with the placement of the fill.

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Continuation of Condition #15...

- The symbols for the 100-year floodplain and wetland boundaries must be added to the legend.
- The Site Plan shall include map notes that list all appropriate information, including district details. The applicants engineer has been reminded of the importance of including such details.

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

1. The types of lines used in the Site Plan do not correspond with the lines indicated in the legend. All lines used in the site shall be thoroughly checked for their relevance and corrected accordingly in the next submission.
2. The applicant shall confirm that the change in ground elevations in the backyard does not cause any flooding issues on the adjacent private properties and public roads. The sectional details of the filled ground shall be provided.
3. The applicant shall confirm that the fill dirt used in the site was appropriate (stable and unmoving base) and not obtained from the contaminated source.
4. It appears that the dirt fill has extended into the adjacent wetland area. The agency having jurisdiction over it shall be notified and appropriate work permit(s) shall be obtained.
5. Does the work performed meet the minimum setback distance from the 100-year flood plain as noted in the site plan, which may need a protection?
6. A road work permit shall be obtained from the RCHD even though the work has been started already. As the work has been performed prior to obtaining a road work permit, the applicant may have to pay a violation fee that would be determined by the Rockland County Superintendent of Highway.

17. Rockland County Drainage Agency (RCDA) has reviewed the information submitted and available maps and determined that the site is within the jurisdiction of RCDA. However, the current proposal will result minimal/ no increase in runoff and will not impact to the flow of stormwater in the regulated areas. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act is not requested for the current proposal. However, please be advised that, any future improvements at this site will require a permit or a determination otherwise from RCDA.

18. 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.

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

- **Freshwater Wetlands:** The identified property does not contain any New York State protected Freshwater Wetlands. However, please contact the U.S. Army Corps of Engineer at 917-790-8511 for any permitted they might they might have.
- **Water Quality Certification:** There appears to be federally regulated wetlands on the identified property. If the US Army Corps of Engineers requires a permit, pursuant to Section 404 of the Clean Water Act, then a Section 401 Water Quality Certification will be required. Issuance of these certifications is delegated in New York State to DEC. If the project qualifies for a Nationwide Permit, it may be eligible for coverage under DEC's Blanket Water Quality Certification. Coverage under the blanket requires compliance with all conditions in the blanket for the corresponding Nationwide Permit.
- **Protection of Waters:** There are no waterbodies that appear on the regulatory maps within the property you identified. Therefore, if there is a stream or pond out let present at the site with year-round flow, it assures the classification of the water course into which it fees (Sparkill Creek Class C(T) and a Protection of Water permit would be required to disturb its bed or banks. If there is a stream or pond out let present at the site that runs intermittently (seasonally), it is not protected, and a Protection of Waters permit would not be required to disturb its bed or banks. If a permit is not required, please note, however, you are still responsible for ensuring that work shall not pollute any stream or water body. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.
- **State – Listed Species:** No records of sensitive resources were identified by this review. The absence of data does not necessarily mean that rare or state listed species, natural communities or other significant habitats do not exist on tor adjacent to the proposed site.
- **State Pollutant Discharge elimination System (SPDES):** The submitted Environmental Assessment Form does not provide the amount of acreage to be physically disturbed. If the overall project will disturb over one acre of land, the project sponsor must obtain coverage under the current SPDES General Permit for Stormwater Discharge from Construction Activity (GP-0-15-002), and a Stormwater Pollution Prevention Plan (SWPPP) must be developed which conforms to requirements of the General Permit. Authorization for coverage under this SPDES General Permit is not granted until the Department issues all other necessary DEC permits.

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Continuation of Condition #19...

- **Cultural Resources:** DEC has reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources. Visit NYS Office of Historic Preservation website at nysparks.com/shop/online-tools.
- Other permits from DEC or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and therefore, the applicant should verify the need for permits if the project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified.

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

22. 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.

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Continuation of Condition #22...

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 $\frac{3}{4}$ 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 Preliminary 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 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.

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

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

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

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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.

Overrides

The Board made a motion to override Conditions 4, 6, 12 & 13 of the October 7, 2019 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Action Commissioner of Planning, for the following reasons:

#4. It appears that there will be regrading and encroachments into the federal wetlands. A review must be completed by the United States Army Corps of Engineers and all required permits obtained.

The Board held that as a condition of the Board decision, the applicant shall move the grade of the property out of the Federal Wetlands and the fill will be moved out of the Wetlands. The applicant shall obtain a signed and sealed letter from its engineer stating that fill does not encroach on the wetlands.

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

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Overrides

#6. The regrading and fill is proposed on the adjacent lot, 70.19-1-32. This fill must be removed, or written permission must be obtained from the owner of said lot, to allow the placement of fill. If fill will be placed on the adjacent parcel, then an additional permit may be required for this adjacent parcel.

The Board held that at the Planning Board Meeting of October 23, 2019, the adjacent owner of lot 70.19-1-32 and the applicant, gave permission to one another to place fill on each other's property. Written permission in a notarized statement will be provided to the Planning Board.

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

#12. A conservation easement should be placed on the western portion of the site so that the environmentally sensitive lands are left in their natural state.

The Board held that at the Planning Board Meeting of October 23, 2019, the applicant agreed to remove fill on the western portion of the site, as proposed on the revised plans to be submitted and reviewed/approved. In the event that any other site development occurs on the property, the applicant will reappear at the Planning Board for site plan review.

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

#13. Trees that are to be removed must be shown as such on the site plan. A symbol for these trees must be illustrated in the legend.

The Board held that at the Planning Board Meeting of October 23, 2019, the applicant stated that no trees would be removed from the site. A note shall be placed on the Site Plan.

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

TOWN OF ORANGETOWN
PLANNING BOARD
OCT 23 2019
10:11 AM

PB #19-70: Gordon Grading Plan
Final Site Plan Approval Subject to Conditions
Neg. Dec.

Permit #48962

Town of Orangetown Planning Board Decision
October 23, 2019
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The foregoing Resolution was made and moved by Bruce Bond and seconded by Michael Mandel and carried as follows: Thomas Warren – Chairman, aye; William Young, Vice-Chairman, aye; Michael Mandel aye; Stephen Sweeney, absent; Michael McCrory, aye; Robert Dell, aye and Andrew Andrews, aye.

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

Dated: October 23, 2019



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

TOWN OF ORANGETOWN
2019 NOV 15 A 11:40
TOWN CLERK'S OFFICE

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

**PB #19-70: Gordon Grading Plan
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #48962

**Town of Orangetown Planning Board Decision
October 23, 2019**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

**NAME OF ACTION: Gordon Grading Plan
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

SEQR STATUS: Type I _____
Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____
No XXXXXX

DESCRIPTION OF ACTION: Grading Plan Review

LOCATION: The site is located at 242 South Greenbush Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.19, Block 1, Lot 33 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 development. The proposed action is consistent with the Town of Orangetown's Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

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

For Further Information contact:

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

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

TOWN OF ORANGETOWN
CLERK'S OFFICE
OCT 23 2019

**PB #19-71: Loretta Jara Minor Subdivision; Final Subdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
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**TO: Jo Machinist, R.A., 502 Piermont Avenue, Piermont, New York
10968**
FROM: Orangetown Planning Board

RE: Loretta Jara Subdivision Plan: The application of Loretta Jara, owner for Final Subdivision Plan Review at a site to be known as “**Loretta Jara Subdivision Plan**”, located in the Tappan Historic District, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the code of the Town of Orangetown. The site is located at 52 Oak Tree Road, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map: Section 77.11, Block 3, Lot 55; in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 23, 2019** the Board made the following determinations:

Jo Machinist and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated October 23, 2019
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Rick Oliver, Deputy Building Inspector, dated October 22, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., October 18, 2019.
4. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated October 7, 2019.
5. A letter from Rockland County Department of Health, signed by Elizabeth Mello, P.E., dated October 21, 2019.
6. A letter from the New York State Department of Transportation, signed by Barbara Knisell, Assistant Engineer, dated October 10, 2019.
7. Copies of the following Board Decisions: Planning Board “Other Business” July 31, 2019 – Waive ACABOR Review of Subdivision; ZBA#19-73, Street Frontage for Lot B, Accessory Structure Distance from Property line and Distance to Principal Structure and Accessory Structure Height Variances Approved with Conditions, dated July 24, 2019; PB#19-34, Preliminary Subdivision Plan Approval Subject to Conditions, dated May 22, 2018 and Amendment to PB#19-34, dated June 14, 2019.

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8. Subdivision Plan prepared by Jo Machinist, R.A dated February 22, 2019, last revision date of September 4, 2019:
- T-1: Existing Site Plan and Location Maps
 - SD-A: Proposed Subdivision
9. Subdivision Plat prepared by Brooker Engineering, dated June 17, 2019, last revision date of September 12, 2019.

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

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

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

1. The following note shall be placed on the subdivision plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall comply with all applicable and pertinent previous conditions of all Board Decisions: Planning Board "Other Business" July 31, 2019 – Waive ACABOR Review of Subdivision; ZBA#19-73, Street Frontage for Lot B, Accessory Structure Distance from Property line and Distance to Principal Structure and Accessory Structure Height Variances Approved with Conditions, dated July 24, 2019; PB#19-34, Preliminary Subdivision Plan Approval Subject to Conditions, dated May 22, 2018 and Amendment to PB#19-34, dated June 14, 2019.

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4. The existing and proposed sanitary house connections, with inverts shall be added to the Subdivision Plan.
5. The proposed sanitary connection shall be shown in it's entirely from the connection on Washington Lane to the new proposed dwelling, including cleanouts with invert elevations.
6. Subject to when the lots are reviewed for Site Plan review by the Planning Board, the applicant shall comply with the following: the proposed driveway for Lot B appears to be too wide; a 20 foot wide driveway has been proposed, however if not needed, then a 15 foot driveway would be acceptable. The applicant shall obtain in writing, a determination from the Town of Orangetown Bureau of Fire Prevention the required width of the driveway to accommodate fire department equipment.
7. A trench drain shall be added to the driveway, right inside the property line along Washington Lane. It shall be connected to either street drainage or a drywell, if no street drainage is available.
8. Belgium block/ stone curbing that is in keeping with the historic nature of the area shall be added along Washington Lane, for the entire length of the subdivision. A detail for same shall be added to the drawings.
9. Soil erosion and sediment control plans and details shall be added to the plans for review and approval.
10. The Site and Landscaping Plans shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review at the time it is proposed for a specific dwelling plan, under Site Plan Review.
11. The minor subdivision does not show the development of lot #B. The applicant is requesting a waiver of the subdivision requirements under Section 21-13 of the Land Development Regulations by not showing existing and proposed contours, drainage, stream relocation, existing trees, etc. It shall be clearly labeled on the Subdivision plan that "Lot #B is not approved as a Building Lot and if the applicant or future applicant wishes to obtain a building permit for Lot #B, then the applicant of future applicant will be required to appear before the Orangetown Land Use Boards for Site Plan Review and any other agencies or boards required for review and approval prior to granting an approval for development of that lot." Similarly, a note shall also be placed on the Subdivision Plat stating the following: "should the existing structure on Lot #A be demolished and a new structure be built, then the applicant or future applicant shall appear before the Orangetown Land Use Boards for Site Plan review and any other agencies or boards required for review and approval prior to granting any building permits for undertaking such work."

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

- As required by the Rockland County Stream Control Act, 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.
- An updated review must be completed by the Rockland County Drainage Agency, and any concerns addressed and required permits obtained.
- As indicated in the County of Rockland Department of Health's letter of May 17, 2019, if a stormwater management system is required to remediate the increase in impervious coverage, an application must be made to ensure compliance with the County Mosquito Code.
- Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Standards for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.

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

14. The New York State Department of Transportation (NYSDOT) has reviewed the submitted information and offered the following:

- There appears to be no impact to the State Highway system, however, it is important that the NYSDOT be kept informed of all project updates/ revisions through the SEQRA process to approval.

15. Rockland County Drainage Agency (RCDA) reviewed the submitted information and found that a Stream Control Act permit from the RCDA is not required for subdivision proposals without any disturbance. However, since the parcel to be subdivided is within the RCDA jurisdiction, a note must be added on the subdivision plan/mylar to reflect the fact that a permit will be required for developments in the subdivision parcels. The following note must be added to the subdivision plan/mylar prior to subdivision review by the RCDA:

- The site is located within the jurisdiction of the Rockland County Drainage Agency (RCDA) pursuant to the Rockland County Stream Control Act, Chapter 846. Any site improvements within subdivided parcels will require a valid permit of a written determination that indicates a permit is not required from the RCDA, prior to the commencement of any work.

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

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

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

19. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §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.

20. 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 #20...

- Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.
- The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

21. All landscaping shown on the 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.

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

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

24. If the applicant, during the course of construction of any required public improvements or private sanitary or storm sewer improvements, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately 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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25. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.

26. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEMA with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications.

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

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

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

DATED: October 23, 2019

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



TOWN OF ORANGETOWN
NOV 15 4:11 PM
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