

**Meeting of September 26, 2018
Town of Orangetown Planning Board**

MEMBERS PRESENT: Stephen Sweeney, Blythe Yost, Robert Dell, Kevin Garvey, Michael Mandel and Bruce Bond, alternate

MEMBERS ABSENT: Thomas Warren, Chairman, William Young, Vice-Chairman

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

Kevin Garvey called the meeting to order at 7:30 p.m.
Mr. Garvey 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:

Griffin Site Plan – Lot #2		PB #18-15
Prepreliminary/ Preliminary Site Plan and SEQRA Review	Preliminary Site Plan Approval Subject to Conditions	
27 Sunrise Lane, Pearl River	Neg. Dec.	
69.18/3/43.2; R-15 zoning district		

New Item:

Bergson Subdivision Plan		PB #18-32
Final Subdivision Plan Review	Final Subdivision Plan Approval Subject to Conditions	
56 Woods Road, Palisades		
Palisades Historic District		
78.18/1/3.1 & 3.2; R-80 zoning district		

Other Business:

1. The Board recommended the Value and Term of the **U.S. Information Systems** Section 73.20, Block 1, Lot 26, LIO zoning district, 25 Ramland Road, Orangeburg to the Town Board as established by the Town of Orangetown Department of Environmental Management and Engineering memorandum of September 20, 2018, signed by Bruce Peters, P.E., see attached Recommendation.

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 Robert Dell and agreed to by all in attendance. The meeting was adjourned at 8:00 p.m. The next Planning Board meeting is scheduled for October 10, 2018.

DATED: September 26, 2018

Cheryl Coopersmith, Chief Clerk Boards and Commissions

TOWN CLERK'S OFFICE
2018 OCT 15 P 2:18
TOWN OF ORANGETOWN

**PB #18-15: Griffin Site Plan
(Kreiger Subdivision – Lot #2)
Preliminary Site Plan Approval Subject to Conditions**

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**TO: Steven Griffin, 27 Sunrise Lane, Pearl River, New York
FROM: Orangetown Planning Board**

RE: Griffin Site Plan – Lot #2: The application of Steven Griffin, owner, for Preliminary Site Plan Review, at a site known as “**Griffin Site Plan – Lot #2**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 27 Sunrise Lane, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.18, Block 3, Lot 43.2 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, May 23 and September 26, 2018**, the Board made the following determinations:

May 23, 2018

Lino Seiarretta and Steven Griffin appeared and testified.

The Board received the following communications:

1. Project Review Committee Reports dated April 4 and May 16, 2018.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated April 6 and May 21, 2018.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated April 6 and May 17, 2018.
4. Letters from Brooker Engineering, signed by Kenneth DeGennero, P.E., dated April 11 and May 17, 2018.
5. A letter from the Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated March 21, 2018.
6. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated March 20, 2018.
7. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chair, dated April 4, 2018.
8. A Short Environmental Assessment Form, signed by Steven Griffin, dated February 23, 2018.
9. Project Narrative letter from Steven Griffin, dated March 6, 2018.
10. A copy of the Building Department Referral dated February 20, 2018, signed by Dave Majewski, Building Inspector.
11. A copy of a letter from Robert Torgersen, LA, CPESC, to Robert Sorace, PLS, dated September 27, 2016.
12. Site Plan prepared by Paul Gdanski, P.E., dated January 6, 2018, last revision date of April 27, 2018:
 - Sheet 1 of 2: Site Plan and Details
 - Sheet 2 of 2: Details.

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13. Architectural Plans prepared by Robert Hoene, R.A., dated February 8, 2018:
- A1.0: Elevations
 - A2.0: Foundation Plan & First Floor Plan
 - A3.0: General Notes & Second Floor Plan

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

The applicant requested a **CONTINUATION**.

September 26, 2018

Lino Seiarretta and Steven Griffin appeared and testified.

The Board received the following communications:

1. Project Review Committee Reports dated July 25 and September 19, 2018.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated July 20 and September 24, 2018.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 18 and September 24, 2018.
4. An Interdepartmental memorandum from the Highway Department, Town of Orangetown, signed by James Dean, Superintendent of Highways, dated July 19, 2018.
5. An Email from Rockland County Drainage Agency, dated September 5, 2018, from Shajan Thottakara, Engineer III
6. Site Plan prepared by Paul Gdanski, P.E., dated January 6, 2018, last revision date of August 11, 2018:
 - Sheet 1 of 2: Site Plan and Details
 - Sheet 2 of 2: Details
 - Sheet 1 of 1: Drainage Area Map, dated January 6, 2018
7. Architectural Plans prepared by Robert Hoene, R.A.:
 - A1.0: Elevations, dated March 5, 2013, revised July 11, 2018
 - A2.0: Foundation Plan & First Floor Plan, dated March 5, 2013, revised February 8, 2018
 - A3.0: General Notes & Second Floor Plan, dated February 8, 2018
8. Pipe Calculations prepared for 27 Sunrise, prepared by Paul Gdanski, P.E., dated August 11, 2018.

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The meeting was then open to the public.

Public Comment

Tom Ryan, 68 North Naurashaun Road, an abutting property owner, raised concerns regarding the impact of the proposed development on increased water on his property. He wanted to know how much landscaping was planned for the site.

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

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant’s professional representatives, namely Paul Gdanski and Robert Hoene, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The 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 Sewer District No.1, and having reviewed proposed Site Plan by prepared by Paul Gdanski, P.E. and Robert Hoene, R.A., a summary of the reasons supporting this determination are, and the **Planning Board finds that the proposed action:**

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- 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 Blythe Yost and carried as follows: Thomas Warren, Chairman, absent; William Young, Vice Chairman, absent; Michael Mandel, aye; Blythe Yost, aye; Robert Dell, aye; Bruce Bond, aye; Kevin Garvey, aye and Stephen Sweeney, aye, the Board made a Negative Declaration pursuant to SEQRA.

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. 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. The applicant shall comply with all pertinent and applicable conditions of the previous Board Decision for Kreiger Minor Subdivision Plan: PB #16-33, Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec., dated June 22, 2017.
4. 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.
5. The revised site plan shows a new retaining wall along the east side of the proposed dwelling with the bottom of the wall at elevation datum 146 and a proposed grade at south east corner of 142. The proposed basement floor elevation is 145. The architectural elevations show only a one foot difference at the south east corner in relationship to the basement floor. This discrepancy needs to be coordinated and the drawings revised accordingly.
6. The application shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
7. The drainage calculations supplied are under review by DEME. However, the rainfall intensity chart used for the calculations is out of date. For example, the current intensity for the 100 year storm for this area is at least 9.3 inches/hr. (as shown in drywell calculations on drawing 1 of 2.)
8. The portion of the existing 24 HDPE to be abandoned shall be labeled as to be removed, along with the existing headwall and footbridge.
9. The proposed 15 foot wide drainage easement shall be extended to encompass the proposed rip-rap exhaust and the entire stream/ open ditch through the property. Also, the existing stream shall be modified/ realigned in accordance with the new piping system/ rip-rap exhaust feature.
10. The written drainage easement with metes and bounds shall be submitted to DEME and the Town of Orangetown Town Attorney's Office for review and approval.
11. Note #15 shall be amended to state "... test to be performed prior to final approval of this Site Plan."

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12. The applicant's engineer shall provide a copy of the field Perc Test (to perform in the design location shown on the site plan) to DEMA and the Building Department.

13. The drawing currently shows hay bales running across the existing drainage ditch. This may cause flow in the ditch to run around the hay bales and over a larger area of the property during a heavy storm. The applicant's engineer shall show proper stream/ ditch crossing SESC device(s) on the plan, such as stone check dams. Detail(s) for same shall be added to the drawings.

14. The invert elevations for the trench drain piping and roof drain piping shall be given at the outlet of the trench drain, at the proposed house and the entrances into the dry wells.

15. The profile for the existing sanitary sewer shall depict the new drainage pipe crossing with invert elevation.

16. Drainage Review Recommendation – Brooker Engineering

Sufficient detail and drainage calculations have been provided to demonstrate that potential significant impacts with respect to drainage can be mitigated; Brooker Engineering therefore recommends that the Griffin Site Plan – Lot #2 Site Plan application be approved for drainage subject to the following Project Comments.

This is the second drainage review report for this project; the last report was dated April 11, 2018. The proposed work includes the construction of a new home and driveway on an undeveloped lot. The lot was created as part of the Krieger subdivision. No drainage information was provided at the time of the subdivision; drainage review was deferred to Site Plan approval for the new lots. Stormwater runoff flows downhill in a southeasterly direction through the site. The storm drainage system in Sunrise Lane in front of the lot discharges to an open channel along the east side of the property. For this revision, the proposed house has been relocated to the western portion of the building envelope. No disturbance is proposed at the storm drainage pipe or open channel on the property.

Stormwater detention is provided by two proposed drywells, one in the front and one in the rear, of the building. Drainage calculations have been provided to support the drywell design. The overall additional impervious area of 2909 SF has been listed. Proposed grading has been provided to demonstrate how the site will operate with respect to drainage post-construction.

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Continuation of Condition #16...

Project Comments

1. As per the April 11, 2018 report, an overflow swale shall be provided in the event the catch basin in front of the house on Sunrise Drive surcharges. As the street drainage system may only be designed to convey the 25-year storm, calculations shall be provided to show the swale can convey the 100- year storm.
2. Perc tests shall be performed to verify the assumed percolation rate and the presence of groundwater. It is recommended that this be done prior to a building permit is issued.
3. Revise the grading around the front of the house to show positive drainage away from the house.
4. Remove the silt fence from the stream. Add silt fence at the limits of disturbance to prevent sediment from reaching the stream.
5. Add the overall depth of the drywell to the drywell detail.
6. Provide a drop curb detail to indicate the gutter flow in Sunrise Lane will not enter the new driveway.

17. All required Rockland County Department of Health approvals have been obtained.

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

19. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is not required based upon its review of the information provided.

20. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
 - Rockland County Sewer District #1
 - Town of Orangetown Zoning Board of Appeals

21. 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.

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

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23. 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.

24. 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 preserve and protect existing trees to remain are as follows:

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.

d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

- One (1) foot radius from trunk per inch DBH.
- Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

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

25. 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.

26. 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.

SEP 27 2018 11:01 AM
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27. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.

28. 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).

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

30. 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

31. 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 Stephen Sweeney and carried as follows: Thomas Warren, Chairman, absent; William Young, Vice Chairman, absent; Kevin Garvey, aye; Michael Mandel, aye; Robert Dell, aye; Blythe Yost, aye and Stephen Sweeney, 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: September 26, 2018
Cheryl Coopersmith
Chief Clerk Boards and Commissions



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

**PB #18-15: Griffin Site Plan
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**Town of Orangetown Planning Board Decision
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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: Griffin Site Plan - lot #2
Preliminary Site Plan Approval Subject to Conditions**

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

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 27 Sunrise Lane, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.18, Block 3, Lot 43.2 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

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

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

RE: Bergson Subdivision Plan: The application of Palisades 9W LLC, applicant, Wyandanch Washington Realty LLC, owner, for Final Subdivision Plan Review 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 meetings held **Wednesday, September 26, 2018**. The Board made the following determinations:

Jay Greenwell and Simon Bergson appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated September 21, 2018.
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 September 24, 2018.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., September 24, 2018.
4. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated September 29, 2018.
5. A letter from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated August 24, 2018.
6. A letter from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, signed by Katherine Coffin dated December 22, 2017.
7. A copy of a letter to Simon Bergson from the Department of Army, New York District, Corps of Engineers, signed by Rosita Miranda, Chief, Western Section, dated September 4, 2018.
8. A copy of a letter to Jay Greenwell from New York State Parks, Recreation and Historic Preservation, signed by Michael Lynch, P.E., A.I.A., dated August 22, 2018.

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9. A letter from the New York State Department of Transportation signed by Joseph Taylor, MSP, dated September 12, 2018.
10. A Project Narrative prepared by Jay Greenwell, PLS, dated July 16, 2018.
11. A copy of a letter to Robert Torgersen from the Department of Army, New York District, Corps of Engineers, signed by Rosita Miranda, Chief, Western Section, dated June 29, 2018.
12. A copy of a letter to Peter Steinour, U.S. Army corps of Engineers, from Peter Torgersen, dated June 19, 2018.
13. Copies of the following Board Decisions: ACABOR #18-25, Approved as Presented, dated July 19, 2018; ZBA #18-11, Street Frontage Variance for Lots #1, #2 and #3 Approved Exception Variance Pursuant to Section 280-a (3) Granted for Lots #1, #2 and #3, dated February 21, 2018 and PB #17-64, Amendment to the Preliminary Subdivision Plan Approval Subject to Conditions/ Reaffirmation of SEQRA, dated December 20, 2017.
14. A letter from Leonard Jackson Associates dated September 24, 2018.
15. Subdivision Plans prepared by Jay Greenwell, PLS, dated October 14, 2014:
 - Sheet 1: Subdivision of Property, last revised October 30, 2017
 - Sheet 2A: Subdivision of Property, last revised July 11, 2018
 - Sheet 2B: Subdivision of Property, last revised July 11, 2018
16. Engineering Plans prepared by Leonard Jackson Associates, dated September 11, 2015, unless noted
 - Drawing Number 3: Proposed Sanitary Plan, last revised June 18, 2018
 - Drawing Number 4: Construction Details, last revised June 18, 2018
 - Drawing Number 5: Force main Profile, dated June 18, 2018

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

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

REAFFIRMATION OF SEQRA

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 OF ORANGETOWN
2018 OCT 15 P 2:19
TOWN CLERK'S OFFICE

**PB #18-32: Bergson 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 Leonard Jackson Associates and the Town of Orangetown's engineering consultant, 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, New York State Department of Environmental Conservation, 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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On motion by Michael Mandel and seconded by Stephen Sweeney and carried as follows: Thomas Warren, Chairman, absent; William Young, Vice Chairman, absent; Kevin Garvey, aye; Michael Mandel, aye; Robert Dell, aye; Stephen Sweeney, aye and Blythe Yost, aye, Bruce Bond, aye, the Board Reaffirmed the Negative Declaration pursuant to SEQRA.

DECISION: In view of the foregoing and the testimony before the Board, the application was granted **Final 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 pertinent conditions of all previous Board Decisions: ACABOR #18-25, Approved as Presented, dated July 19, 2018; ZBA #18-11, Street Frontage Variance for Lots #1, #2 and #3 Approved Exception Variance Pursuant to Section 280-a (3) Granted for Lots #1, #2 and #3, dated February 21, 2018 and PB #17-64, Amendment to the Preliminary Subdivision Plan Approval Subject to Conditions/ Reaffirmation of SEQRA, dated December 20, 2017.
4. The applicant is advised that any/ all future development requires Town of Orangetown Planning Board Review.
5. The applicant's engineer may wish to consider and "e-one" type of system for the proposed private sanitary sewer system/ house connections. IF an "e-one" system is chosen, a NYS licensed Professional Engineer shall submit a design for the system to DEME for review and approval.
6. A note shall be added to the plans stating that if any of the proposed impervious areas for any of the lots are to be increase, new drainage calculations shall be submitted to DEME for review and approval AND new or expanded stormwater facilities may be required, as is stated in the revised drainage calculations.

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7. It shall be noted on the plans and deeds for Lots 2 & 3 that the homeowners shall be responsible for the ponds that are on those lots.

8. A legend that complies with the NYSDEC-SMDM shall be added to the Erosion Control Plans.

9. The exiting drives opposite the entrances onto Route 9W and Woods Road shall be shown on the plans.

10. It was noted at the Project Review Committee meeting that the total area of disturbance listed on drawing #3 is incorrect. The correct total area of disturbance for the construction currently contemplated (installation of sanitary sewer system and water system) shall be listed on the plans.

11. The design of the proposed sanitary system shall be amended to show the proposed E-One force main exhausting into proposed manhole #2 at its invert.

12. A note shall be added to the plans stating that the Town of Orangetown Sewer Inspector shall be notified at least 48 hours in advance about the proposed sanitary sewer system installation.

13. The applicant shall use the Town's sanitary "doghouse" manhole detail. The applicant's engineer shall contact DEME to obtain the detail.

14. The sanitary sewer E-One system design requested in condition #10 shall include the procedures the contractor is to use in construction the doghouse manhole on the live sanitary sewer main. These construction notes shall also be added to the drawings.

15. A note shall be added to the plans stating that the proposed public sanitary sewer main extension shall be installed, inspected, tested, and tv'd prior to the Town of Orangetown Sewer Department accepting the new 8 inch sanitary main extension.

16. Various notes on the drawing make reference to the installation of a new water main/ services. However, no new water lines are shown on the drawings. This shall be corrected.

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

1. The Bulk Table on Sheet #2 for the subdivision, must be updated to reflect that the required variances have been obtained from the Town of Orangetown Zoning Board of Appeals.
2. An updated review shall be completed by the New York State Department of Transportation and any comments or concerns addressed and required permits obtained.
3. As required by the Rockland County Stream Control Act, the subdivision map must be reviewed and approved by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.
4. The comments in the August 24, 2018 letter from the Rockland County Department of Health must be addressed.

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Continuation of Condition #17...

5. An updated review must be completed by the Palisades Interstate Park Commission and any comments addressed.
 6. If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.
 7. Prior to start of construction or grading, a soil and erosion control plan shall be developed that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.
 8. When Lot #1 is to be developed further, a stormwater pollution prevention plan (SWPPP) must be provided, if deemed to be required. The SWPPP shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.
- 18.** The Rockland County Department of Health (RCDOH) reviewed the plans and offered the following comments:
- Formal application for Realty Subdivision approval is to be made to the Rockland County Health Department.
 - Application is to be made to the RCDOH for a sanitary sewer extension for the gravity portion of the sewer.
 - A Transportation Corporation must be formed in accordance to Article 10, "Sewage-Works Corporations" of the New York State Transportation Corporation Law. If separate force mains are constructed in the easement instead of the proposed shared force main, the need for the transportation Corporation will be eliminated.
 - Separate application is to be made to the RCDOH for review of the Stormwater Management system for compliance with the County Mosquito Code.
- 19.** The New York State Historic Preservation Office has determined that no historic properties will be affected by this undertaking.
- 20.** The New York State Department of Transportation (NYSDOT) has reviewed the subject project and is unopposed to the development however; a work permit is required to assure that the improvements meet the NYSDOT policy and standards.

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21. The New York State Department of Environmental Conservation (DEC) indicated that based upon its review of the circulated documents, it appears that the project may require the following permits:

- **Protection of Waters:** There are no water bodies that appear on the regulatory maps at the identified project location. Therefore if there is a stream or pond outlet present at the site with year-round flow, it assumes the classification of the water course into which it feeds, Hudson River, Class SB, and a Protection of Waters permit is required. If there is a stream or pond outlet present at the site that runs intermittently (seasonally), it is not protected, and a Protection of Waters permit is not required. If a permit is not required, note however, the applicant is still responsible for ensuring that work shall not pollute any stream or waterbody. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or water body by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.
- **Freshwater Wetlands:** The project site is not within a New York State protected Freshwater Wetland. However, please contact the Town and the U.S. Army Corps of Engineer (ACOE). Contact the ACOE directly at 917-790-8511 for any permitted they might require.
- **State – Listed Species:** The site is located within or near a known occurrence of the following state-listed species: Pied-billed grebe, *Podilymbus podiceps* (threatened). Due to the upland location, as well as the scope and nature of the proposed project, the DEC does not anticipate direct adverse impact to the Pied-billed grebe. Therefore, no further review is required, and an Article 11 incidental "Take" Permit is not required.
- No records of sensitive resources were identified by this review. The absence of data does not necessarily mean that rare or state listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site.
- **Water Quality Certification:** The ACOE may require a permit for work completed in or impacting a federal wetland. If a permit from the ACOE is required, a Section 401 Water Quality Certificate may be required from DEC.
- **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 and historical resources. Visit NYS Office of Historic Preservation website at nysparks.com/shop/online-tools.

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Continuation of Condition #21...

- **Coastal Management Zone:** This project is located within the Coastal Management Zone. If DEC had individual permit approvals for this project, DEC would review it in accordance with the Coastal Management Program requirements.
- **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.

22. Based on the information submitted, the U.S. Army Corps of Engineer (ACOE) review of the project indicates that an individual permit is not required. It appears that the activities within the jurisdiction of the ACOE could be accomplished under Department of the Army Nationwide General Permit Number 12. The nationwide permits are prescribed as a Reissuance of Nationwide Permits in the Federal Register dated January 6, 2017 (82 FR 1890). The work may be performed without further authorization from the ACOE provided the activity complies with the permit conditions listed in Section B, No 12, Section C, any applicable New York District regional conditions, the following special condition(s), and any applicable regional conditions added by the State of New York. This determination covers only the work described in the submitted material. Any major changes in the project may require additional authorizations from the New York District. Care shall be taken so that construction materials, including debris, do not enter any waterway to become drift or pollution hazards. Contact the appropriate state and local government officials to ensure that the subject work is performed in compliance with their requirements.

This verification is valid until March 18, 2022, unless the nationwide permit is modified, reissued, or revoked. This verification will remain valid until March 18, 2022, if the activity complies with the terms of any subsequent modifications of the nationwide permit authorization. If the nationwide permits are suspended, revoked, or modified in such a way that the activity would no longer comply with the terms and conditions of a nationwide permit, and the proposed activity has commenced, or is under contract to commence, the permittee shall have 12 months from the date of such action to complete the activity.

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23. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plats prior to signing the final plans.
24. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.
25. 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.
26. 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.
27. TREE PROTECTION: The following note shall be placed on the Subdivision Plan: The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:
- a. No construction equipment shall be parked under the tree canopy.
 - b. There will be no excavation or stockpiling of earth underneath the trees.
 - c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
 - d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.

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Continuation of Condition #27...

- 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.

28. 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.

29. 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.

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

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

33. 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

34. 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 Blythe Yost and carried as follows: Thomas Warren, Chairman, absent; William Young, Vice Chairman, absent; Kevin Garvey, aye; Michael Mandel, aye; Robert Dell, aye; Stephen Sweeney, aye and Blythe Yost, aye, Bruce Bond, aye.

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

Dated: September 26, 2018
Cheryl Coopersmith
Chief Clerk Boards and Commissions



TOWN OF ORANGETOWN
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TOWN CLERK'S OFFICE

Other Business: U.S. Information Systems Site Plan

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

September 26, 2018

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**TO: Joseph Ceva, USIS, 35 West Jefferson Avenue, Pearl River,
New York 10965**
FROM: Town of Orangetown Planning Board

RE: U.S. Information Systems Performance Bond: The application of U.S. Information Systems, owner, to establish the Value and Term of the Performance Bond at a site known as “**U.S. Information Systems Site Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 25 Ramland Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.20, Block 1, Lot 26 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 26, 2018**, at which time the Board made the following determinations:

The Board received the following communication:

1. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 20, 2018.

The hearing was then opened to the Public.

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

RECOMMENDATION: In view of the foregoing, the Planning Board Recommends to the Town of Orangetown Town Board that the value and term of the Performance Bond be established in accordance with the Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 20, 2018.

TOWN OF ORANGETOWN
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Other Business: U.S. Information Systems Site Plan

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

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The term of the Performance Bond shall not exceed two (2) years as set forth in Section 21A-10 of the Town of Orangetown Town Code, which shall be on or before September 26, 2020, and Subject to the Following Conditions:

<u>ITEM</u>	<u>COST</u>
Driveway Openings	\$ 8,400.00
As-Built Drawings	\$ 1,800.00
Storm Drainage	\$ 11,675.00
Soil Erosion & Sediment Control	\$ 31,400.00
Sub-Total	\$ 53,275.00
Administrative Close-out (20% of Sub-Total)	\$ 10,655.00
<u>Total Bond</u>	<u>\$ 63,930.00</u>

Inspection Fee (3% of Sub-Total
of original bond amount) \$ 1,598.25

To be submitted to DEME prior to the onset of construction.

All Bonds are to conform to current town regulations.

The foregoing Resolution was made and moved by Michael Mandel and Seconded by Bruce Bond and carried as follows: Thomas Warren, Chairman, absent; William Young, Vice Chairman, absent; Kevin Garvey, aye; Blythe Yost, aye, Bruce Bond, aye; Michael Mandel aye; Stephen Sweeney, aye; and Robert Dell, aye.

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

Dated: September 26, 2018
Cheryl Coopersmith
Town of Orangetown Planning Board

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