

**PB #24-19: Uovo Fine Arts Site Plan  
Final Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #BLDC-4180-23**

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**TO: Ryan Nasher, Atzl, Nasher & Zigler, 232 North Main Street, New City, New York 10956**  
**FROM: Orangetown Planning Board**

**RE: UOVA Fine Arts Site Plan:** The application of UOVO Kings Highway, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site to be known as “**UOVA Fine Arts Site Plan**”, for generators pads and equipment, 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 33 Kings Highway, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.11, Block 2, Lot 5 in the LIO & R-40 zoning districts.

Heard by the Planning Board of the Town of Orangetown at a meeting held **March 27, 2024**, at which time the Board made the following determinations:

Ryan Nasher, Tim Yates and Ken Huang appeared and testified.

The Board received the following communications:

1. Project Review Report dated March 13, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated March 25, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 25, 2024.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated March 11, 2024.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated March 19, 2024.
6. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated December 13, 2021.
7. Letter from Rockland County Department of Health, signed by Elizabeth Mello, P.E., dated January 7, 2022.
8. Letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer III, dated December 15, 2021.
9. Site Plan prepared by Atzl, Nasher & Zigler, dated February 28, 2024.
10. Email from George Schlinck, dated March 20, 2024.

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11. Short Environmental Assessment Form signed by Ryan Nasher, dated February 20, 2024.
12. Building Permit Referral to the Planning Board dated October 16, 2023 prepared by Rick Oliver, Building Inspector.

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

A motion was made to open the Public Hearing portion of the meeting by Michael McCrory and second by Denise Lenihan and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye Bruce Bond, (alternate member), aye; and Andrew Andrews, aye.

**Public Comment:**

Bob Romano, 55 Kings Highway, raised concerns regarding the development and impact to the wetlands.

Peter Shine, 6 Deer Park Road, noted that the area floods.

There being no one else to be heard from the Public, a motion was made by Michael McCrory and second by Denise Lenihan and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye Bruce Bond, (alternate member), aye; and Andrew Andrews, aye.

**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.

On motion by Michael Mandel, Vice Chairman and seconded by Michael McCrory and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond (alternate member), not voting, and Andrew Andrews, aye; the Board declared itself Lead Agency.

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 and having heard from the following

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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 Sewer District #1, Rockland County Department of Health, Rockland County Department of Highways, Rockland County Planning Department, and having reviewed the drawings presented by the applicant's professional consultants; a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

On motion by Michael Mandel, Vice Chairman and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond (alternate member), not voting, and Andrew Andrews, the Board made a Negative Declaration pursuant to SEQRA.

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The site plan shall be revised to include 4 bollards by the generator and load bank. A Pre-containment for the underbelly tank for the generator and the generator shall be tested only during the days of Monday through Friday and only from 9:00 a.m. to 5:00 p.m. In addition, plastic screening shall be placed around the air handlers for sound. And, the generators and air handlers shall be raised 8" from the bottom.
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 applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained the Final Site Plan is stamped and construction plans are reviewed and approved by the Building Inspector.
6. The Short Environmental Assessment Form appears to be in order.
7. The Stormwater Management Design Report is under review by DEME.
8. Outdoor Sound Barriers shall be placed around the ground level Air Handlers and noted on the site plan.
9. The Town of Orangetown Bureau of Fire Prevention held that vehicle crash protection shall be provided for the generator and load bank.

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**10. Drainage Review Recommendation – Brooker Engineering**

The application has provided sufficient information to demonstrate that there are no potential significant impacts with respect to drainage that require mitigation, and therefore recommends that the Uovo Fine Arts Site Plan be approved for drainage subject to the following comments.

**Project Description**

This is the first drainage review report for this project. The proposed action consists of site plan alterations for an existing developed lot containing a warehouse, associated parking, and site infrastructure improvements. There is a swale/stream along the west, north, and east property lines. Stormwater in the stream flows in a clockwise direction from the southwest corner of the site to the southeast corner of the site. The stream does not contain a mapped FEMA floodplain and is tributary to the Sparkill Creek. The proposed work consists of additions of mechanical utility features along the west face of the building. Six paved parking spaces will be removed for the proposed work; there is a net reduction of 47 SF of impervious area.

There is a net reduction in impervious areas on the site as well as a decrease in peak stormwater runoff rates. Existing drainage patterns are being maintained. No stormwater mitigation measures are required and none are proposed.

**Project Comments**

1. Clarify if the proposed mechanical improvements are in an actual building addition or if the proposed features are exterior to the building.
2. Clarify in the executive summary of the drainage report (Sections 4.2, 5.0, and 6.0) the impacts of proposed conditions for stormwater runoff and no mitigation is required due to an overall reduction in impervious areas and consequently peak runoff rates.
3. While the existing swale just west of the proposed improvements is not a mapped FEMA stream and not subject to a Floodplain Development Permit, we recommend the applicant's engineer demonstrate the mechanical improvements are either above potential flood elevations or are flood resistant.
4. Show proposed grading in the area of mechanical room improvements that demonstrates positive drainage away from the building.
5. Add a mapped note indicating the swale/stream on the Site Plan is not in the mapped 100-year floodplain as per the FEMA Flood Insurance Study panel 36087C0187G.

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11. 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.
12. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
13. 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.
14. **TREE PROTECTION:** The following note shall be placed on the Site Plan: The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:
  - a. No construction equipment shall be parked under the tree canopy.
  - b. There will be no excavation or stockpiling of earth underneath the trees.
  - c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
  - d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
    - One (1) foot radius from trunk per inch DBH
    - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established 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.

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**15.** 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.

**16.** 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.

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

**18.** 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).

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

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**20.** 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

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

The foregoing Resolution was made and moved by Michael Mandel and second by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye Bruce Bond, (alternate member), not voting; 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: March 27, 2024  
Cheryl Coopersmith  
Planning Board**  
Attachment



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

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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: Uovo Fine Arts Site Plan Final Site Plan Approval  
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SEQR STATUS: Type I \_\_\_\_\_ Unlisted XXXXXX  
CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX

**DESCRIPTION OF ACTION: Site Plan Review**

**LOCATION:** The site is located at 33 Kings Highway, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.11, Block 2, Lot 5 in the LIO & R-40 zoning districts.

**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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