### Name of Municipality: <u>TOWN OF ORANGETOWN</u>

Date	Submitted:	
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tandards Review	Residential Historical Architects Consultation Pre-Preliminary Final Interpretation PERMIT#: ASSIGNED NSPECTOR:	ural Board  ary/Sketch
LC - Del Arte		
Block: 1 Block:	<b>L</b> .	ot(s): ot(s):
of the intersection of	Route 303	, approximately , in the
h Orangetown h Orangetown	Postal District_	LI & CC Orangeburg Orangeburg Orangetown
	Commercial coard and of Appeals  see  Standards Review  LC - Del Arte  n Ave.  NY 10962  Block:  Block:  South Mountain Ave.  of the intersection of the hamlet/village of Orangetown  h Orangetown	Commercial   Residential   Historical   Architects   Architects   Pre-Preliminary   Final   Interpretation   Interpretation   PERMIT#: ASSIGNED   INSPECTOR:   Referred from Planning   If yes provide d Board meeting:   Block:   Landards   La

#### APPLICATION REVIEW FORM

Applicant:	BCH Realty, LLC		Phone	e#	
Address:	20 E Mountain Av		Orangeburg	NY State	10962 Zip Code
Property Ow	ner: BCH Realty, I	LC	Phon	e#	
Address:	20 E Mountain Ave Street Name & Number	(Post Office)	Orangeburg City	NY State	10962 Zip Code
Engineer/Arc	hitect/Surveyor: _	Sparaco &	Youngblood	Phone # 845-	782-8543
Address:	18 North Ma Street Name & Number	in Street Ha (Post Office)	rriman NY	10926 State	Zip Code
Attorney:	Donald Brenner	<del> </del>	Phone #84	5-359-2210	
Address:	4 Independence A Street Name & Number	VO (Post Office)	Tappan city	NY State	10983 Zip Code
Contact Perso	on:Donald Brenn	er	Phone #	845-359-2210	<del> </del>
Address:	4 Independence A	ve	Tappan	NY State	10983 Zip Code
IF ANY ITEM IS PLANNING		This propert (Chec W MUST BE	IICIPAL LAW y is within 500 fee k all that apply) DONE BY THE ROG MUNICIPAL LAW,	ot of: CKLAND COUNTY C	COMMISSIONER OF 1, N, AND NN.
Long	or County Road Path cipal Boundary		✓ Coun	or County Park ty Stream ty Facility	
	facility checked about 15 facility checked about 15 facility checked about 15 facility 15				
Referral Agenci	es:				
RC Drai NYS De NYS Th	nway Department inage Agency ot. of Transportation ruway Authority t Municipality		RC Dept. of H	of Environmental Res Health Environmental Cons erstate Park Commis	ervation

#### APPLICATION REVIEW FORM

# FILL IN WHERE APPLICABLE. (IF THE FOLLOWING DOES NOT APPLY PLEASE MOVE ON TO THE NEXT PAGE)

If subdivis	ion:
1)	Is any variance from the subdivision regulations required?
2)	Is any open space being offered? If so, what amount?
3)	Is this a standard or average density subdivision?
If site plan	· · · · · · · · · · · · · · · · · · ·
1)	Existing square footage
2)	Total square footage
	Number of dwelling units
	permit, list special permit use and what the property will be used for.
Are there slop	ental Constraints: es greater than 25%? If yes, please indicate the amount and show the gross
and net area_ Are there stre	ams on the site? If yes, please provide the names
	ands on the site? If yes, please provide the names and type:
	s, Corp of Engineers
f so, provide a	tory: t ever been reviewed before?No narrative, including the list case number, name, date, and the board(s) you appeared status of any previous approvals.
ist tax map se	ction, block & lot numbers for all other abutting properties in the same ownership as

January 25, 2021

#### PROJECT NARRATIVE:

The owner of the property operates a successful restaurant at the site, Del' Arte, and is planning to expand his operation in an adjacent space.

This change requires additional parking spaces. The owner now proposes to build the required spaces.



## OFFICE OF BUILDING, ZONING, PLANNING ADMINISTRATION AND ENFORCEMENT

TOWN OF ORANGETOWN 20 GREENBUSH ROAD ORANGEBURG, N.Y. 10962

Jane Slavin, RA Director

(845) 359-8410

Fax: (845) 359-8526

Date:

May 18, 2020

To:

Cheryl Coopersmith, Chief Clerk

Planning Board

From:

Jane Slavin, RA.,

Director O.B.Z.P.A.i

Subject:

BCH Realty, LLC Site Plan

Prepreliminary/Preliminary Site Plan

and SEQRA Review

20 Mountainview Avenue, Orangeburg 74.07/1/27; LI & CC zoning districts

MAY 2 2 2020
TOWN OF ORANGETOWN
LAND USE BOARDS

PB #20-16

#### Submission Reviewed:

Proposed site plan for BCH Realty, LLC, as prepared by Sparaco & Youngblood, PLLC Dated January 28, 2020.

The applicant is proposing to take over the adjacent tenant space to expand an existing restaurant and expand the existing parking lot. The use is an existing non-conforming use in the LI district.

- 1) The applicant must make application to the Zoning Board of Appeals per Chapter 43, Article IX, section 9.34 Extension or enlargement. A nonconforming use shall not be extended except as follows: To the extent the district bulk regulations permit, and on application of the Board of Appeals, any use, except a sign, first permitted by right or by special permit, in any district, may be extended up to but not exceeding an aggregate increase of 50% in its floor area or of its land area occupancy if a nonbuilding use. However, this provision may be used only once for each such use.
- 2) Applicant proposes parking in the front yard; 50' required with 11.4' proposed, side yard; 50' required and +/-4.6' proposed, and rear yard; 50' required and 18.7' proposed. Per Chapter 43, Table 3.11, LI District, Column 7, number 8, No parking is permitted in any required yard, unless permitted by any board or town agency having jurisdiction. This permission may be granted at the time of site review or as the time of the approval of a commercial subdivision.

- 3) Per Chapter 43, Article IV, section 6.34, Size of spaces, a parking space shall be considered a space nine feet wide and 18 long. The 10 proposed spaces in the fear of the property are indicated at 8' in width. This must be revised to 9'.
- 4) All existing overhead door locations shall be shown. There are currently four (4) loading berth areas, is the intent to eliminate them?
- 5) The basement area must be provided and included in the calculations.
- 6) Plans indicate, "retaining wall as designed by others." Engineering drawings, details and specifications must be provided for the proposed retaining wall, which ranges in height from 2.5 feet to 7.5 feet.
- 7) ACABOR review and approval is required.
- 8) The SEAF appears to be in order.

Town of Orangetown Planning Board Decision May 27, 2020 – Virtual Meeting Page 1 of 11

TO:

Donald Brenner, 4 Independence Avenue, Tappan, New York

FROM: Orangetown Planning Board

RE: BCH Realty Site Plan: The application of Concaro, LLC, applicant, for BCH Realty, LLC, owner, for Prepreliminary/ Preliminary Site Plan Review at a site to be known as "BCH Realty Site Plan", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 20 Mountainview Avenue, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 27, in the Li & CC zoning districts.

Heard by the Planning Board of the Town of Orangetown at a Virtual meeting held **Wednesday, May 27, 2020**, the Board made the following determinations:

Steven Sparaco, John Carollo and Donald Brenner appeared and testified. The Board received the following communications:

1. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., Director, dated May 18, 2020.

2. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 23, 2020.

3. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated May 27, 2020.

4. Letters from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated March 10, 2020 and Michael Kezner, dated February 26, 2020.

5. Letters from the Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated March 16, 2020. 6. A letter from the Rockland County Highway Department, signed by Dyan Rajasingham, dated February 20, 2020.

7. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer I, dated March 19, 2020.

8. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated March 10, 2020.

9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Trish Castelli, Acting Chairman, dated February 19, 2020.

TOWN OF ORANGETOWN
TOWN OF ORANGETOWN

Permit #45277

Town of Orangetown Planning Board Decision May 27, 2020 – Virtual Meeting Page 2 of 11

10. A letter from Suez, signed by Bill Prehoda, dated March 9, 2020. 11. A Short Environmental Assessment Form, signed by Carollo, dated February 13, 2020.

12. Site Plans prepared by Sparaco & Youngblood dated January 28, 2020, and revised as noted:

Drawing 1 of 5: Site Plan/ Planimetric Plan

Drawing 2 of 5: Grading & Utility and Erosion & Sediment Control Plan

Drawing 3 of 5: Landscape & Lighting Plan

Drawing 4 of 5: Existing Conditions, revised October 21, 2019

Drawing 5 of 5: Detail Sheet

13. Drainage Report prepared by Sparaco & Youngblood, dated January 28, 2020, signed by Steven Sparaco, P.E. .

14. Amended Building Permit Referral dated April 11, 2016, amended January 28, 2020.

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 Stephen Sweeney and seconded by Andrew Andrews 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, abstain 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 Stephen Sweeney 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, abstain 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.

TOWN OF ORANGETOWN
TOWN CLERK'S OFFICE
TOWN CLERK'S OFFICE

Permit #45277

Town of Orangetown Planning Board Decision May 27, 2020 – Virtual Meeting Page 3 of 11

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 Sparaco & Youngblood 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 No.1, Rockland County Department of Highways, Rockland County Department of Planning, and having reviewed a proposed Site plan by prepared by Sparaco & Youngblood dated January 28, 2020, 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.

TOWN OF ORANGETOWN

Permit #45277

Town of Orangetown Planning Board Decision May 27, 2020 – Virtual Meeting Page 4 of 11

On motion by Michael Mandel and seconded by Andrew Andrews 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, abstain 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 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 is proposing to take over the adjacent tenant space to expand an existing restaurant and expand the existing parking lot. The use is an existing non-conforming use in the LI district.
  - 1) The applicant must make application to the Town of Orangetown Zoning Board of Appeals per Chapter 43, Article IX, section 9.34 Extension or enlargement. A nonconforming use shall not be extended except as follows: To the extent the district bulk regulations permit, and on application of the Board of Appeals, any use, except a sign, first permitted by right or by special permit, in any district, may be extended up to but not exceeding an aggregate increase of 50% in its floor area or of its land area occupancy if a non-building use. However, this provision may be used only once for each such use.
  - 2) Applicant proposes parking in the front yard; 50' required with 11.4' proposed, side yard; 50' required and +/-4.6' proposed, and rear yard; 50' required and 18.7' proposed. Per Chapter 43, Table 3.11, LI District, Column 7, number 8, No parking is permitted in any required yard, unless permitted by any board or town agency having jurisdiction. This permission may be granted at the time of site review or as the time of the approval of a commercial subdivision.

TOWN OF ORANGETOWN
TOWN OF ORANGETOWN

Permit #45277

Town of Orangetown Planning Board Decision May 27, 2020 – Virtual Meeting Page 5 of 11

#### Continuation of Condition #3...

- 3) Per Chapter 43, Article IV, section 6.34, Size of spaces, a parking space shall be considered a space nine feet wide and 18 long. The 10 proposed spaces in the rear of the property are indicated at 8' in width. This must be revised to 9'.
- 4) All existing overhead door locations shall be shown. There are currently four (4) loading berth areas, is the intent to eliminate them?
- 5) The basement area must be provided and included in the calculations.
- 6) Plans indicate, "retaining wall as designed by others." Engineering drawings, details and specifications must be provided for the proposed retaining wall, which ranges in height from 2.5 feet to 7.5 feet.
- The applicant shall appear at the Town of Orangetown Architecture and Community Appearance Board of Review for review.
- 8) The Short Environmental Assessment Form appears to be in order.
- 4. The total area of disturbance (a.o.d.) shall be listed and shown graphically on the plans, as well as mentioned (in table form) in the introductory narrative of the drainage calculations. A full SWPPP MAY be required if a.o.d. is over 1 acre. The a.o.d. shall include all proposed work (e.g. new parking area, utility installation, retaining wall construction, modification to existing detention basin and outlet structure, installation of pretreatment facilities, installation of construction access path to detention basin, etc. all of this shall be listed in tabular form in the drainage calculations.)
- **5.** The drainage calculations supplied are under review. Labeled separation tabs shall be added to the drainage calculations. The calculations supplied mention "pretreatment" oil/water separators, but their location and total number to be installed is not shown on the drawings. This shall be corrected. Details for said oil/water separators shall be added to the plans.
- **6.** Additional drainage facilities (catch basins and possible increased drainage pipe size) shall be added to collect stormwater runoff from the new paved/parking areas. The drainage calculations shall include an analysis of the existing stormwater infrastructure piping and its capacity to accept, or not accept, the proposed increase in flow from the new parking areas.

TOWN CLERK'S OFFICE 7020 JUN 18 A 11: 24 TOWN OF ORANGETOWN

Permit #45277

Town of Orangetown Planning Board Decision May 27, 2020 – Virtual Meeting Page 6 of 11

- 7. A proposed drainage plan shall be added to the drawing set. It shall show all existing and proposed stormwater facilities (with top and invert elevations.) Also, pre and post construction cross sections through the existing stormwater basin, shall be added to the plans.
- 8. A stabilized, permanent construction/ maintenance access path to the existing detention basin shall be shown including a stabilized maintenance path (12 foot minimum width) around the basin to reach the outlet structure, emergency spillway (see comment #6 below) with erosion control around it. This disturbance shall be added to the overall a.o.d. and "counted" in the table requested in Condition #4 of this decision. This path shall also be included in the tabulation of total new impervious area.
- 9. The proposed grading around the existing detention basin is in error. Proposed grade 82 is "tied" to existing grade 84. This shall be corrected. Also, no revised grade 84 is shown. This too shall be corrected.
- 10. An emergency spillway shall be added to the detention basin which is to be expanded in capacity. A detail for same shall be added to the drawings.
- 11. The proposed improvements shall extend where the current fencing is around the detention basin. This shall not only be labeled as to be removed, but also relocated around the new extents of the basin. This shall be clearly shown on the drawings.
- 12. The detention basin plan and details are hard to identify. A "blow-up" of the ungraded/ modified stormwater basin shall be provided on the drawings. Cross-sections, storage volume vs. elevation vs design storm, outlet structure details (with elevations), underdrain details, profiles with elevations, outlet pipe details, 12 foot wide maintenance path (that reaches the forebay/ main pool/ outlet structure/ emergency spillway), permanent sediment depth marker with detail, plantings (if utilized for water quality control), emergency overflow spillway with elevations, etc., shall also be provided in the blow-up section and on the drawings.
- 13. The design of the proposed retaining wall shall be included with the drawings.
- 14. Profiles for all existing and proposed drainage piping and the upgraded/ modified stormwater basin shall be provided on the drawings.
- **15.** The New York State Department of Environmental Conservation's number for the Sparkill Creek, as well as its classification, shall be given on the plan.

TOWN OF ORANGETOWN TOWN CLERK'S OFFICE

Permit #45277

Town of Orangetown Planning Board Decision May 27, 2020 – Virtual Meeting Page 7 of 11

- 16. A post construction stormwater maintenance agreement, in accordance with NYSDEC Phase II regulations, for the proposed stormwater systems (catch basins, oil/ water separators, piping, detention basin, etc.), shall be submitted to DEME and the Orangetown Town Attorney's Office for review and approval. Said agreement shall include a maintenance and management schedule, inspection checklist, contact person with a telephone number, yearly report to be submitted to DEME, etc.
- 17. The soil erosion and sediment control plans and details are under review by DEME. However, a construction entrance shall be added to the Site Plan/ SESC plan to access the detention basin.
- **18.** The previous supplied drawings had a detail for the proposed stone retaining wall, along Mountainview Avenue at the entrance to the site. This detail was remove. The detail shall be placed back on the drawings.
- 19. The reference source benchmark (FEMA mon. 230 note #5, drawing #1) shall be shown on the plans.
- **20.** All existing and proposed easements and dedications shall be shown on the plan, including page and liber or instrument number, intent/ purpose and ownership.
- **21.** Copies of all correspondence, including any and all approvals, with the NYS Department of Environmental Conservation, U.S. Army Corps of Engineers, the Rockland County Drainage Agency, etc., in connection with this proposed site plan, shall be supplied to the Planning Board and DEME, prior to signing the map.
- 22. Drainage Consultant Recommendation- Brooker Engineering
  The application has provided sufficient information that demonstrates that
  potential significant adverse impacts with respect to drainage will be mitigated by
  modifying the existing basin. The Drainage Consultant recommends that the
  BCH Site Plan be approved for drainage subject to the following comments.

**Project Description** 

This is the third drainage review report for this project; the last review was dated January 16, 2019. The property is located at the south side of Mountainview Avenue, approximately 330 feet west of Route 303. There is an existing commercial building in the front of the site. The outdoor storage area previously proposed has been removed from the application. The application currently proposes an expansion of the parking areas in the front and west wide of the building, resulting in an increase of approximately 0.34 acres of new impervious area. Increases in stormwater runoff from the new impervious surface will be directed to the existing stormwater maintenance facility, which will be enlarged as part of the application.

TOWN OF ORANGETOWN TOWN CLERK'S OFFICE

Permit #45277

Town of Orangetown Planning Board Decision May 27, 2020 – Virtual Meeting Page 8 of 11

Continuation of Condition #22...

Portions of the Sparkill Creek floodplain are located on the east side of the parcel. No work is proposed in the floodplain or area regulated by the Rockland County Drainage Agency.

#### **Project Comments**

- 1. Maintenance schedule and responsibilities of the stormwater management basin shall be clearly stated on the site plans.
- 2. The spillway weir at elevation 80.49 has an unobstructed depth of 18 inches; the weir calculations shall be adjusted to include the obstruction.
- 3. Provide a section through the pond with side slopes, outlet structure, and 100-year floodplain.
- 4. Provide a detail of the emergency overflow weir.
- 23. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
  - A review must be completed by the Rockland County Drainage Agency, and any required permits obtained.
  - A review must be completed by the Rockland County Department of Health, any comments or concerns addressed, and any required permits obtained
  - A lighting plan shall must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line, specifically along the northwestern edge of the site.
  - Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed professional engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed professional engineer.
  - Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.
  - There shall be no net increase in the peak rate of discharge from the site at all design points
- 24. The Rockland County Department of Health (RCDOH), Environmental Health Program reviewed the submission provided the following comments:
  - The applicant is to contact RCDOH to discuss what, if any amendments to the existing food permit for the restaurant is required. Jeanne Longo can be reached at 845-364-2601.
  - Should the Board require amendments/ additions to the existing 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 Stormwater Management system for compliance with the County Mosquito Code.

TOWN OF ORANGETOWN

TOWN CLERK'S OFFICE

TOWN CLERK'S OFFICE

Permit #45277

Town of Orangetown Planning Board Decision May 27, 2020 – Virtual Meeting Page 9 of 11

- 25. 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.
- **26.** The Town of Orangetown Rockland County Department of Health (RCDOH), Environmental Health Program reviewed the submission provided the following comment:
  - Locations of the fire lanes will include all paved areas other than approved parking spaces shown on the site plan and will be stripped and signed per NYS Fire and Town fire Code.
- 27. 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 No. 1
- Rockland County Department of Health
- Rockland County Department of Planning
- Town of Orangetown Zoning Board of Appeals
- 28. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans prior to signing the final plans.
- 29. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
- **30**. 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. 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 §21A and §6A.
- 31. 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:

TOWN OF ORANGETOWN
TOWN CLERK'S OFFICE
TOWN CLERK'S OFFICE

Permit #45277

Town of Orangetown Planning Board Decision May 27, 2020 - Virtual Meeting Page 10 of 11

#### Continuation of Condition #31...

- 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.

- 32. 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.
- 33. 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.
- 34. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.

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Permit #45277

Town of Orangetown Planning Board Decision May 27, 2020 - Virtual Meeting Page 11 of 11

- 35. 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 (applicants' engineer's) recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's (applicants 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).
- 36. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
- 37. 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
- 38. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

The foregoing Resolution was made and moved by Stephen Sweeney 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, abstain 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: May 27, 2020

Cheryl Coopersmith

Cheral Coopersmitty Chief Clerk Boards and Commissions

Town of Orangetown Planning Board

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LOWN CLERK'S OFFICE μ2:11 Α 81 NUL 6505 TOWN OF ORANGETOWN State Environmental Quality Review Regulations **NEGATIVE DECLARATION** Notice of Determination of Non-Significance

BCH Realty, Site Plan Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision May 27, 2020

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

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

NAME OF ACTION: BCH Realty, LLC Site Plan

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

DESCRIPTION OF ACTION: Preliminary Site Plan Subject to Conditions/ Neg. Dec.

LOCATION: The site is located at 20 Mountainview Avenue, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 27; in the LI & CC 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 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

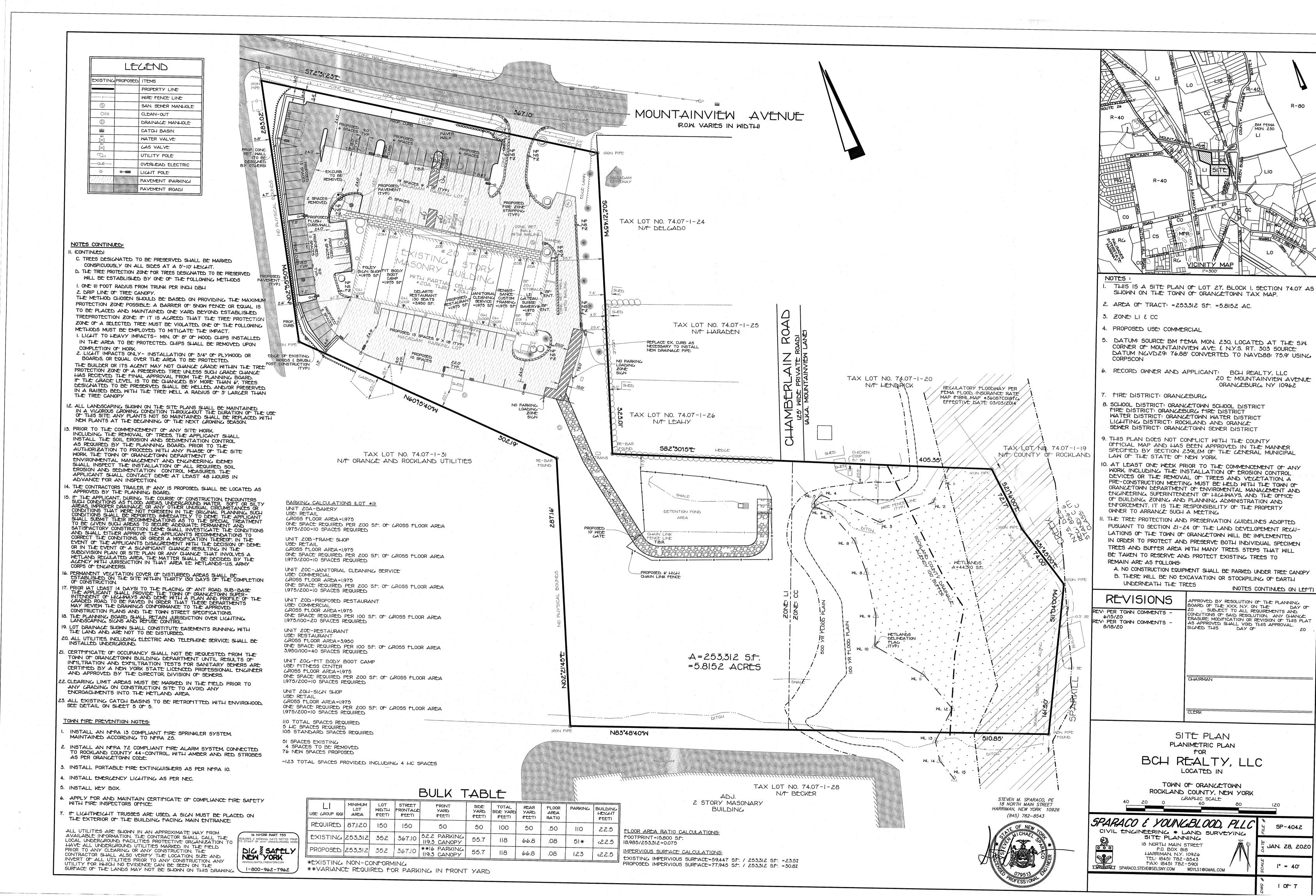
Administration and Enforcement; Town of Orangetown; 20 Greenbush Road Orangeburg, NY 10962; Telephone Number: 845-359-5100

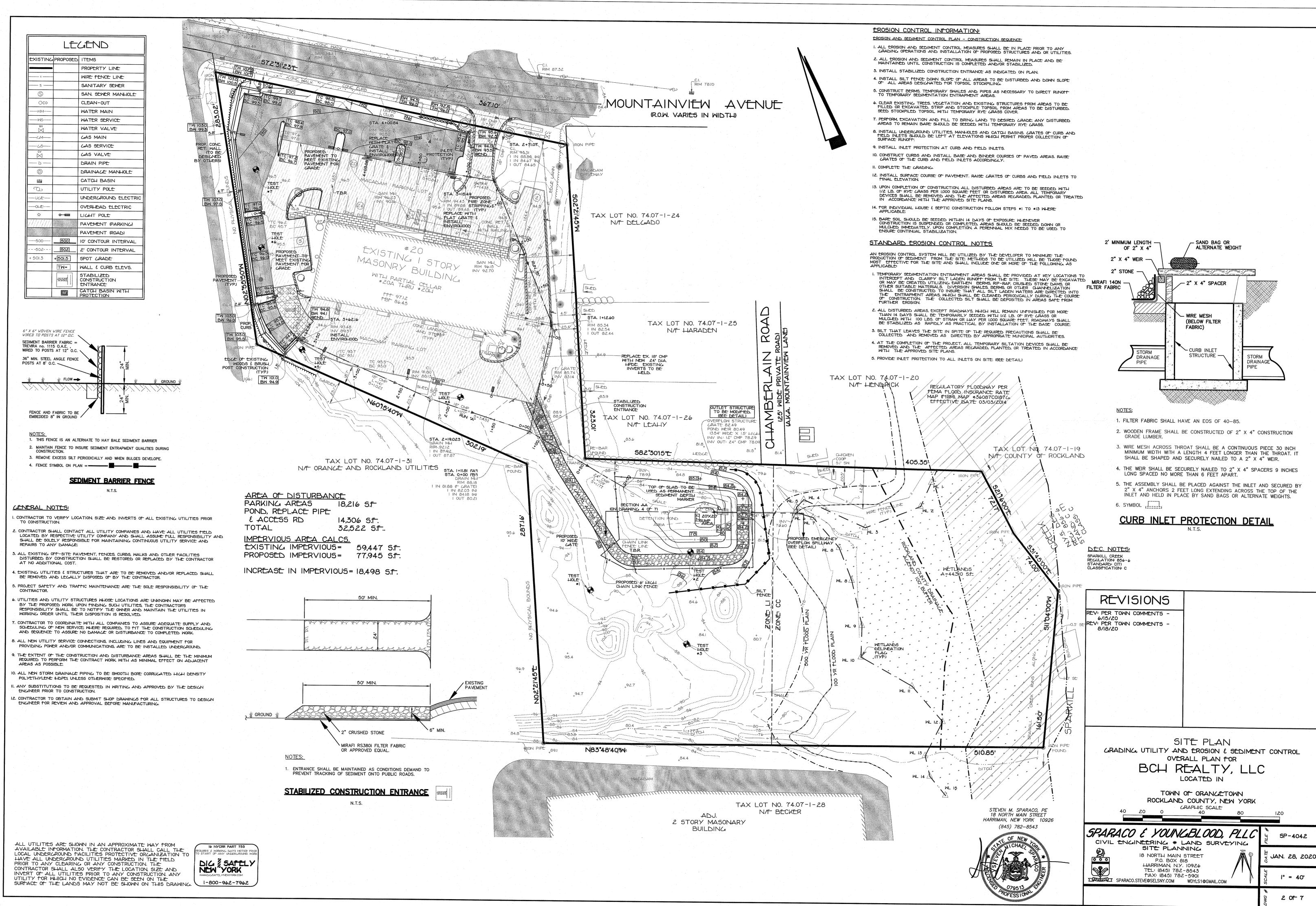
For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent: - Commissioner, New York State Department of Environmental

Conservation, - Region 3 Headquarters, NYSDEC, - Town Supervisor, Applicant - Involved Agencies 301430 S.NB3 NM01

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