

**TOWN OF ORANGETOWN PLANNING BOARD**  
**Virtual Meeting of Wednesday, October 14, 2020**

**MEMBERS PRESENT:**

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

**MEMBER ABSENT: None**

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

Thomas Warren, Chairman, called the virtual meeting to order at 7:30 p.m. Mr. Warren read the agenda. Hearings as listed on this meeting's agenda which are made a part of these minutes were held as noted below:

**Lane Site Plan**

Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review 125 Park Avenue, Palisades 77.20/276; R-15 zoning district	Continued: Reconsider Landscaping of Site	<b>PB #20-38</b>
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**Hawks View Site Plan – Lot 22.1**

Critical Environmental Area Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review 296 South Boulevard, Upper Grandview 71.05/122.1; R-15 zoning district	Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.	<b>PB #20-39</b>
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**The Saloon**

Extension in Time – Sound Review 49 West Central Avenue, Pearl River 68.16/19; CC zoning district	Granted Extension for Two Years with Conditions	<b>PB #20-40</b>
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**Continued Item from the September 11, 2019 Meeting:**

**Dynamic Productions USA Site Plan**

Prepreliminary/Preliminary/ Final Site Plan and SEQRA Review 300 Blaisdell Road, Orangeburg 73.20/11.2; LIO zoning district	Continued: Discussion with TAO to occur regarding SEQRA and ZBA Review	<b>PB #19-13</b>
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**Continued Item from the June 1, 2020 Meeting:**

**119 Tweed Boulevard Site Plan**

Critical Environmental Area Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review 119 Tweed Boulevard, Upper Grandview 71.17/119; R-22 zoning district	Final Site Plan Approval Subject to Conditions Neg. Dec.	<b>PB#20-21</b>
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**TOWN OF ORANGETOWN PLANNING BOARD**  
**Virtual Meeting of Wednesday, October 14, 2020**

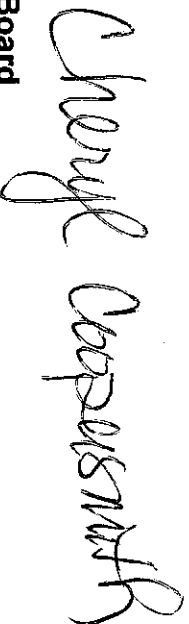
**Other Business:** The Planning Board granted a waiver of the Architecture and Community Appearance Board of Review for Sorce Assumma & Shakey Funeral Home Site Plan, reviewed by the Planning Board as PB#20-14 at the May 13, 2020 Board Meeting, Section 68.19, Block 2, Lot 15.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Michael Mandel and seconded by Andrew Andrews and agreed to by all in attendance. The meeting was adjourned at 10:45 p.m. The next Planning Board meeting is scheduled for October 28, 2020.

**DATED: October 14, 2020**

**Cheryl Coopersmith**  
**Town of Orangetown Planning Board**



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TOWN OF ORANGETOWN

PB#20-39: Hawks View Subdivision – Lot 22.1  
Critical Environmental Area  
Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Permit # 50427

Town of Orangetown Planning Board Decision  
October 14, 2020  
Page 1 of 9

**TO:** Sean Keenan, 24 Water Edge, Congers, New York 10920  
**FROM:** Orangetown Planning Board

**RE:** Hawks View Subdivision – Lot 22.1: The application of SMK Homes Builders, Inc., owner, for Prepreliminary/ Preliminary/ Final Site Plan Review, in the Critical Environmental Area, at a site known as “Hawks View Subdivision – Lot 22.1”, 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 in the Hawks View Subdivision, 296 South Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lot 22.1 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held **Wednesday, October 14, 2020**, the Board made the following determinations:

Sean Keenan and Jay Greenwell 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, AIA, Director, dated October 8, 2020.
2. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 14, 2020.
3. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated October 6, 2020.
4. Letters from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated September 15, 2020 and Michael Kezner, dated September 10, 2020.
5. Letters from the Rockland County Highway Department, signed by Ryan Rajasingham, P.E., dated September 8, 2020.
6. A copy of a letter to Jay Greenwell from the Rockland County Department of Health, Elizabeth Mello, PE., dated August 18, 2020.
7. A letter from Rockland County Sewer District, signed by Joseph LaFiandra, Engineer II, dated September 30, 2020.

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Town of Orangetown Planning Board Decision  
October 14, 2020  
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8. A notice from Allan Beers, Rockland County Coordinator of Environmental Resources, dated September 14, 2020
9. Letters from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated September 16, 2020.
10. A Short Environmental Assessment Form, signed by Sean Keenan, SMK Home Builders, Inc. dated August 20, 2020.
11. Site Plan prepared by Jay Greenwell, PLS, dated May 13, 2020, last revised August 4, 2020.
12. Architectural Plan prepared by Kier Levesque, R.A., dated August 3, 2020:
  - A-2: First & Second Floor Plan
  - A-3: Second Floor Plan
  - A-4: Elevations
  - A-5: Elevations
13. Building Permit Referral dated August 13, 2020 signed by Rick Oliver, Building Inspector.
14. Drywell calculations prepared by Paul Gdanski, dated August 3, 2020.
15. A copy of PB #16-68, Final Subdivision Plan Approval Subject to Conditions, dated November 9, 2016.
16. A letter from Dr. Alan Rosenfeld, 1114 Route 9W South, Upper Grandview, Tappan, New York.

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 Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Bruce Bond, abstain; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, aye, and Mike McCrory, 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 Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Bruce Bond, abstain; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, aye, and Mike McCrory, aye the Board declared itself Lead Agency.

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

**Town of Orangetown Planning Board Decision**

**October 14, 2020**

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Jay Greenwell, PLS, 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: Rockland County Highway Department, Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Sewer District No. 1, and having reviewed proposed Site Plan by prepared by Jay Greenwell, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

OFFICE SUPERVISOR

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ORANGETOWN

**Critical Environmental Area**

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

**Town of Orangetown Planning Board Decision**

**October 14, 2020**

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On motion by Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Bruce Bond, abstain; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, aye, and Mike McCrory 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.
3. Staked hay bales shall be placed along the easterly side of the property line and the landscape plan shall be restudied.
4. The applicant is proposing a new dwelling on an existing undeveloped lot.
5. The Short Environmental Assessment Form appears to be in order.
6. The following must be shown on the plans Per Chapter 21A, section 21A-13B (2):(e) Existing structures on abutting lots within 200 feet of the site lot line.
  - (h) The location, dimensions and detailed design of screening, landscaping and outdoor lighting.
7. All existing trees measuring 8" in diameter at a height measured 54 inches from the ground must be shown and trees to be removed must be indicated.
8. Proposed HVAC equipment and concrete slabs must be shown.

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

**Town of Orangetown Planning Board Decision**

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9. Town of Orangetown Architecture and Community Appearance Board of Review shall review and approval of the site plan and the proposed new dwelling is required.
10. Dimensions of the proposed driveway and parking area must be shown.
11. Is a pool patio proposed around the proposed 18'x36' inground pool? If yes, the patio must be shown with dimensions.
12. Applicant must obtain Rockland County Health approval and permits for the proposed well and septic system.
13. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained and the Final Site Plan is stamped by the Chief Clerk to the Board.
14. Because the proposed drainage design differs from the original Hawks View Estates design, revised drainage calculations shall be submitted for review and approval.
15. Soil borings, perc tests and determination of groundwater elevations shall be performed at the subsurface detention system location. These tests shall be performed PRIOR to this proposal receiving Final Approval to ensure the adequacy of the proposed design. This information shall be added to the drainage calculations. The tests shall be performed in the spring when the ground water table is typically at its highest.
16. A level spreader shall be added to the proposed southern drywell gallery overflow.
17. The applicant is reminded that the sanitary septic system for the lot must be reviewed and approved by the Rockland County Health Department. Copies of this approval shall be supplied to the Planning Board and DEME prior to signing the final map.
- 18. Drainage Review Recommendation – Brooker Engineering**  
The application has provided sufficient information to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated. Brooker Engineering, the Planning Board Drainage Consultant, therefore recommends that the Hawks View Site Plan for Lot 22.1 be approved for drainage subject to the following Project Comments.

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Town of Orangetown Planning Board Decision  
October 14, 2020  
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**Continuation of Condition #18...**

**Project Description**

This is the first drainage review report for this project; the drainage consultant previously approved Hawks View Subdivision for drainage in its February 1, 2017 letter. The property is located on South Boulevard and is the northern most lot of the subdivision. There is a north/south ridge along the east property line; portions of stormwater runoff flow east to the steep slope hillside and the remainder of the stormwater runoff flows west towards South Boulevard.

Three drywells were provided for this lot in the original subdivision approval based on 3,455 square feet of impervious area. The current site plan shows 5,540 square feet of impervious area, which is largely due to an increased building footprint. The number of drywells required for stormwater mitigation has increased from three to five for this Site Plan submission. The locations of the drywells approximate the existing conditions drainage pattern with no substantial change in discharge locations.

**Project Comments**

1. Add the roof ridge line to the Site Plan and show the roof leader downspouts. Show which portions of the roof are going to each drywell gallery.
2. Show the drainage watersheds to be directed to each drywell gallery.
3. It appears several areas of new impervious area will bypass the detention facilities, including the eastern portion of the driveway, decks, and sidewalks. Notes are on the plans that depict the total impervious areas directed to each drywell gallery. Additional information is required on the plans to support this.
4. Show the driveway cross slope in the typical detail.
5. Provide a hood over the outlet pipe in the driveway that directs stormwater runoff from the driveway to the drywell.
6. Show any proposed patios and sidewalks around the pool and in the backyard. Additional stormwater mitigation may be required if these items are added later.
7. Show the level spreader as being at a constant elevation in the Level Spreader Detail. Show the size of the stone in this detail. Relocate the level spreaders to the plateau above the embankment and decrease the slope of the overflow pipe.
8. Correct the discrepancy in Line 6 of the drywell calculations with respect to side surface area for infiltration. The calculations shall be based on a six feet outside diameter drywell dimension per the detail.
9. Show positive drainage around the pool in between the house and pool.
10. Provide test pit data and percolation rates.

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19. 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 Department of Highways, any concerns addressed and all required permits obtained.
- A review must be completed by the Palisades Interstate Park Commission and any raised concerns addressed.
- A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.
- A review must be completed by the County of Rockland Division of Environmental Resources and any concerns addressed.
- Amu areas with steep slopes must be shown on the site plan and deducted from the lot area.
- Prior to any start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- The proposed well must be installed pursuant to all requirements to Article II of the Rockland County Sanitary Code and under permit with the Rockland County Department of Health.
- The site plan is difficult to read as provided. Separate sheets should be provided for the utility and grading plans.

20. 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.

21. 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 Planning
- Rockland County Highway Department
- Town of Orangetown Zoning Board of Appeals

22. 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.

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

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TOWN OF ORANGETOWN

- 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 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.
- 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.

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Critical Environmental Area  
Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

October 14, 2020

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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.

32. 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.

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

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

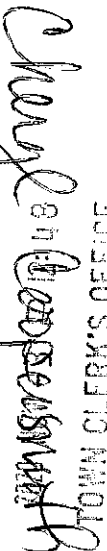
Dated: October 14, 2020

Cheryl Coopersmith

Chief Clerk Boards and Commissions

attachment

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**NEGATIVE DECLARATION**  
**Notice of Determination of Non-Significance**  
**Town of Orangetown Planning Board Decision**

**PB#20-39: Hawks View Subdivision – Lot 22.1**

**Permit # 50427**

**Critical Environmental Area**

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

**Town of Orangetown Planning Board Decision**  
**October 14, 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: Hawks View Subdivision – Lot 22.4**  
**Preliminary Site Plan Approval Subject to Conditions – Critical Environmental Area**

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

**DESCRIPTION OF ACTION: Site Plan Review – Critical Environmental Area**

**LOCATION:** The site is located in the Hawks View Subdivision, 296 South Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lot 22.1 in the R-22 zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

Director, Office of Building, Zoning and Planning  
Administration and Enforcement

Town of Orangetown

20 Greenbush Road

Orangetown, NY 10962

Telephone Number: 845-359-5100

301950 S.KR3713 MA01  
845-319-1315 E-ADP 8787

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

**PB #20-39: The Saloon Roof Plan  
Compliance with PB#19-80 and PB#19-27, Condition #1  
Noise Study, Extension in Time to Use**

**Town of Orangetown Planning Board Decision  
October 14, 2020  
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**TO:           Bridget Killen, 45-49 West Central Avenue, Pearl River,  
              New York**  
**FROM:       Orangetown Planning Board**

**RE:         The Saloon Roof Top Plan Compliance with PB#19-80 and  
PB#19-27, Condition #1: The application of Bridget Killen, owner, for  
Compliance with PB#19-80 and PB#19-27, Condition #1, Noise Study,  
Extension in Time to Use the Roof Top per PB#17-03, condition #4, at a site  
known as "The Saloon Roof Top 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 45-49 West Central Avenue, Pearl River, Town of Orangetown,  
Rockland County, New York, and as shown on the Orangetown Tax Map as  
Section 68.16, Block 1, Lot 9 in the CC zoning district.**

Heard by the Planning Board of the Town of Orangetown at a meeting held  
**Wednesday, October 14, 2020** at which time the Board made the following  
determinations:

Bridget Killen and Donald Brenner appeared and testified.

The Board received the following communications:

1. A copy of PB#19-80 and PB#19-27.

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

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

**Reaffirmation of SEQRA:**

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.

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.

OFFICE  
S.MERTZ MAO1  
8:21 PM 3-10N 0207  
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**PB #20-39: The Saloon Roof Plan  
Compliance with PB#19-80 and PB#19-27, Condition #1  
Noise Study, Extension in Time to Use**

**Town of Orangetown Planning Board Decision  
October 14, 2020  
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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, 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, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

On motion by Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; William Young, Vice-Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye; Bruce Bond, abstain; Stephen Sweeney, aye; Robert Dell, aye and Mike McCrory, the Board Reaffirmed a Negative Declaration pursuant to SEORA.

OFFICE S.KR373 MA01

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ORANGETOWN, FL MA01

**PB #20-39: The Saloon Roof Plan  
Compliance with PB#19-80 and PB#19-27, Condition #1  
Noise Study, Extension in Time to Use**

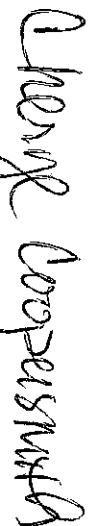
**Town of Orangetown Planning Board Decision  
October 14, 2020  
Page 3 of 3**

**DECISION:** In view of the foregoing and the testimony before the Board, the Board held that following:

1. The applicant is granted a two (2) year extension in time. During that time, a sound review shall be completed during the summer months and the applicant shall report back to the Board. However, if the Pandemic is not over, the applicant shall return to the Planning Board for an extension in time. The sound test will not be completed until all restrictions are removed.

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

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



**Dated: October 14, 2020  
Cheryl Coopersmith, Chief Clerk Boards and Commissions  
Town of Orangetown Planning Board**

OFFICE  
TOWN CLERK

6421 D E - NOV 0202

ORANGETOWN  
TOWN CLERK

**Critical Environmental Area  
Final Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**October 14, 2020**

**Page 1 of 12**

**TO: John Atzl, 234 North Main Street, New City, New York**  
**FROM: Orangetown Planning Board**

**RE: 119 Tweed Boulevard Site Plan - Critical Environmental Area:**

The application of Howard Dean, owner, for a Preliminary/ Preliminary/ Final Site Plan Review at a site to be known as "119 Tweed Boulevard 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 119 Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.17, Block 1, Lot 19; in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at virtual meetings held **June 1 and October 14, 2020**, at which time the Board made the following determinations:

**June 1, 2020**

John Atzl and Howard Dean 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., A.I.A., Director, dated May 29, 2020.
2. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated April 21, 2020.
3. Letters from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, and Michael Kezner, dated March 30, 2020.
4. Letters from Rockland County Drainage Agency, signed by Vincent Alteri, Executive Director, dated April 21 & 29, 2020 and Michael Kezner, dated February 13, 2020.
5. Letters from 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 Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated April 6, 2020.
7. Letters from Rockland County Highway Department, signed by Dyan Rajasingham, dated March 16, 2020.
8. Letters from the Town of Orangetown Zoning Board of Appeals, signed by Trish Castelli, Aching Chair, dated February 19, 2020.

301130 S.XR373 N#01

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M#0130N#00 JO N#01



**PB #20-21: 119 Tweed Boulevard Site Plan**  
**Critical Environmental Area**  
**Final Site Plan Approval Subject to Conditions**  
**Neg. Dec.**

**Permit #49590**

**Town of Orangetown Planning Board Decision**  
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9. A letter from the Rockland County Division of Environmental Resources, dated March 13, 2020.
  10. A letter from Suez, signed by Bill Prehoda, dated April 20, 2020.
  11. An email from Hesuk Chun, 117 Tweed Boulevard, Upper Grandview.
  12. A Narrative Summary, prepared by Jay Greenwell, PLS, dated December 18, 2019.
  13. A Short Environmental Assessment Form signed by John Quinn, SQ Properties, LLC, dated December 18, 2019.
  14. A copy of the Building Permit Referral dated December 23, 2019, prepared by Rick Oliver, Building Inspector.
  15. Site Plans prepared by Jay Greenwell, PLS, dated October 14, 2019:  
Sheet 1: Site Plan, last revised December 11, 2019  
Sheet 2: Grading, Drainage, Utility Plan with Erosion Control, last revised December 11, 2019  
Sheet 3: Details
  16. A Project Review Report prepared by Atzl, Nasher & Zigler, dated January 25, 2020.
  17. A Short Environmental Assessment Form signed by John Atzl, PLS, dated January 25, 2020.
  18. Building Permit Referral to the Planning Board dated November 29, 2019 prepared by Rick Oliver, Building Inspector.
  19. Site Plans prepared by Atzl, Nasher & Zigler, dated January 22, 2020:  
Drawing 1: Existing Conditions Plan  
Drawing 2: Site Development Plan  
Drawing 3: Erosion & Sediment Control Plan  
Drawing 4: Retaining Wall Plan & Details  
Drawing 5: Retaining Wall Notes
- The Board reviewed the plans. The hearing was opened to the Public.

**Public Comment:**

Helen Chun, 117 Tweed Boulevard, Upper Grandview Peter Roy, 160 Route 9W, Upper Grandview, raised concerns regarding the impact of the proposed retaining wall repair on her property.

The applicant requested a **CONTINUATION**.

**October 14, 2020**

John Atzl and Howard Dean appeared and testified.

1. 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, July 1 and May 29, 2020.
2. Interdepartmental memorandums from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated October 14, September 8 July 6 and April 21, 2020.

301130 S.M2373 MNO1

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**Town of Orangetown Planning Board Decision  
October 14, 2020  
Page 3 of 12**

3. Letters from Rockland County Department of Planning signed by Douglas Schuetz, Acting Commissioner, dated March 30 and August 17, 2020 and Michael Kezner, dated March 20, 2020.
4. A letter from the Rockland County Department of Health, dated September 4, 2020, signed by Elizabeth Mello, PE.
5. A letter from the Rockland County Sewer District dated April 6, 2020 signed by Joseph LaFiandra, Engineer II, dated April 6, 2020.
6. Letters from Rockland County Department of Highways, signed by Dyan Rajasingham, dated March 16 and August 12, 2020.
7. A notice from Suez, from Bill Prehoda, dated April 20, 2020.
8. A notice from the Rockland County Division of Environmental Resources, dated March 13, 2020.
9. An email from New York State Department of Environmental Conservation, from Christian Pacella, dated September 21, 2020.
10. A letter from Atzl, Nasher & Zigler, dated September 22, 2020.
11. A Short Environmental Assessment Form, signed by John Atzl, dated January 25, 2020.
12. A Building Permit Referral dated January 1, 2020 signed by Rick Oliver, Building Inspector.
13. Site Plans prepared by Atzl, Nasher & Zigler, dated January 22, 2020, last revised September 22, 2020:
  - Drawing 1: Existing Conditions Plan
  - Drawing 2: Site Development Plan
  - Drawing 3: Erosion & Sediment Control Plan
  - Drawing 4: Retaining Wall Plan & Details
  - Drawing 5: Retaining Wall Notes
14. An email from Hesuk Chun, dated October 14 2020.

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

Helen Chun, owner of 117 Tweed Boulevard, raised concerns regarding the uncooperative manner of the applicant. She did not have the opportunity to review the plans.

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

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**PB #20-21: 119 Tweed Boulevard Site Plan  
Critical Environmental Area  
Final Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #49590**

**Town of Orangetown Planning Board Decision  
October 14, 2020  
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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 Robert Dell and second by Michael McCrory and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Bruce Bond, abstain; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, aye, and Michael McCrory, 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, 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: Rockland County Department of Highway, Rockland County Department of Planning, and Rockland County Sewer District #1 and having reviewed the drawings presented by the applicant's professional consultant; Atzl, Nasher & Zigler, 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;

OFFICE  
S.MERTZ  
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ORANGETOWN  
PLANNING BOARD

**PB #20-21: 119 Tweed Boulevard Site Plan  
Critical Environmental Area  
Final Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #499590**

**Town of Orangetown Planning Board Decision  
October 14, 2020  
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- 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 McCrory and second by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye; Bruce Bond, abstain; Robert Dell, aye; Stephen Sweeney, aye, and Michael McCrory, aye, the Board made a Negative Declaration pursuant to SEQRA.

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

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."

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TOWN OF ORANGETOWN

**PB #20-21: 119 Tweed Boulevard Site Plan  
Critical Environmental Area  
Final Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #49590**

**Town of Orangetown Planning Board Decision  
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2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.
4. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained and the Final Site Plan is stamped by the Chief Clerk to the Board.
5. The Short Environmental Assessment Form seems to be in order.
6. The total amount of new impervious area that will be created by this work STILL needs be listed on the plans.
7. If drainage improvements are required, drainage calculations that analyze up to the 100-year storm shall be provided by a NYS Licensed Professional Engineer. All drainage improvements shall achieve a zero-net increase in runoff.
8. The Soil erosion and sediment control symbols shall conform to NYSDEC standards.
9. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
  - A review must be completed by the New York State Department of Transportation, and any required permits obtained.
  - Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Standards for Urban Erosion and Sediment Control.

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Town of Orangetown Planning Board Decision  
October 14, 2020  
Page 7 of 12

**Continuation of Condition #9...**

- Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.
- 10. Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and no future correspondence is requested for this site.
- 11. The Rockland County Department of Health reviewed the information submitted and found that an application shall be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito code.
- 12. The New York State Department of Environmental Conservation (DEC) indicated that based upon its review of the circulated documents, NYSDEC offered the following comments:
  - **Protection of Waters:** There are no waterbodies that appear on the regulatory maps within the property you identified. Therefore, if there is a stream or pond outlet present at the site with year-round flow, it assures the classification of the water course into which it feeds, and a Protection of Water permit would be 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 would not be required. If a permit is not required, please note, however, you are still responsible for ensuring that work shall not pollute any stream or water body. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.
  - **Freshwater Wetlands:** The project site is not within a New York State protected Freshwater Wetlands.
  - **Water Quality Certification:** If the US Army Corps of Engineers requires a permit, for work completed in or impacting a federal wetland or waters of the U.S., you will need a Section 401 Water Quality Certification from the Department.

OFFICE

S. J. KERRICK

647-210-3-ADN 0207

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Continuation of Condition #12...

- **State – Listed Species:** The DEC has reviewed the State's Natural Heritage records and determined that the site is located within or near records of the following state-listed species: Bald Eagle (*Haliaeetus leucocephalus* – Status: Threatened.) Any potential impacts of the proposed project on this species should be fully evaluated during the review of the project pursuant to SEQR. A permit is required for the incidental taking of any species identified as "end; endangered" or "threatened", which can include the removal of habitat. In addition, project modifications may be needed to avoid or adequately mitigate any potential impacts identified. The project site is located within close proximity to an active bald eagle nest. Additional information is necessary to determine whether the project is likely to result in negative impacts to this species and would therefore be subject to regulation under title 6 NYCRR Part 182. As bald eagles can be disturbed by loud noises, please provide information on the noise levels expected to be produced by the proposed project activities and equipment to be used for the project. If available information on existing ambient noise levels would also be relevant. The potential noise related disturbance could be avoided by conducting the work during the non-breeding season, October 1 to December 31<sup>st</sup>. Please include the proposed work to be completed during that time of year restriction. Please also provide the size and species of mature trees expected to be removed for this project, so the potential for impacts to bald eagle habitat can be assessed.
- **Cultural Resources:** DEC has reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources. Visit NYS Office of Historic Preservation website at [nysparks.com/shop/online-tools](http://nysparks.com/shop/online-tools).
- **Coastal Management Zone:** The project site is located within the Coastal Management Zone. If the Department has individual permit approvals for this project, the Department would review it in accordance with Coastal Management Program requirements. For additional information, please contact the NYS Department of State.

OFFICE S.MERTZ NA01

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ORANGETOWN

**PB #20-21: 119 Tweed Boulevard Site Plan  
Critical Environmental Area  
Final Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #49590**

**Town of Orangetown Planning Board Decision  
October 14, 2020  
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**Continuation of Condition #12...**

- 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.

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

- Rockland County Department of Highway
- Rockland County Department of Health
- Rockland County Department of Planning
- Rockland County Sewer District #1

14. 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.

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

16. 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.

17. **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:

OFFICE  
S. KERTZ  
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ORANGETOWN



Town of Orangetown Planning Board Decision  
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Continuation of Condition #17 ...

- 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  $\frac{3}{4}$  inch of plywood or boards, or equal over the area to be protected.The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received 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.

18. 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.

OFFICE SHERLOCK

67-21-C-10N 0202

ORANGETOWN

**PB #20-21: 119 Tweed Boulevard Site Plan  
Critical Environmental Area  
Final Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #49590**

**Town of Orangetown Planning Board Decision  
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- 19.** 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.
- 20.** The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
- 21.** 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).
- 22.** Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
- 23.** 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
- 24.** The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

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05:21 PM E-ADM 0707  
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PB #20-21: 119 Tweed Boulevard Site Plan

Permit #49590

Critical Environmental Area

Final Site Plan Approval Subject to Conditions  
Neg. Dec.

Town of Orangetown Planning Board Decision

October 14, 2020

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

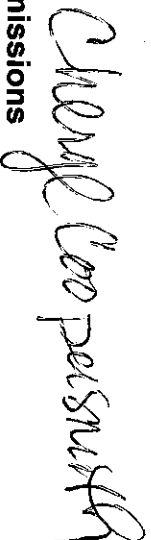
The Clerk to the Board is hereby authorized, directed and empowered to sign this **DECISION** and file a certified copy in the Office of the Town Clerk and the Office of the Planning Board.

Dated: October 14, 2020

Cheryl Coopersmith

Chief Clerk Boards and Commissions

Attachment



011110 S.MKT TO N101  
TOWN CLERK'S OFFICE  
05:21 P 3 - NOV 0202  
TOWN OF ORANGETOWN

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

**PB #20-21: 119 Tweed Boulevard Site Plan**

**Permit #49590**

**Critical Environmental Area**

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

**Town of Orangetown Planning Board Decision**

**October 14, 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: 119 Tweed Boulevard Site Plan - Critical Environmental Area- Final Site Plan Approval Subject to Conditions/ Neg. Dec.**

SEQR STATUS: Type I Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX

**DESCRIPTION OF ACTION: Site Plan Review in the Critical Environmental Area**

**LOCATION:** The site is located at 119 Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.17, Block 1, Lot 19; in the R-22 zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

Office of Building, Zoning and Planning

Administration and Enforcement

Town of Orangetown 20 Greenbush Road, Orangeburg, NY 10962

Telephone Number: 845-359-5100 10 S. RR 273 ANN 01

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, NYSD, REG 3 OF ANN 01 Town Supervisor, Applicant, Involved Agencies