

**TOWN OF ORANGETOWN PLANNING BOARD**

**Meeting of Wednesday, April 24, 2024**

**MEMBERS PRESENT:**

Thomas Warren, Chairman  
Michael Mandel, Vice Chairman  
Kevin Farry  
Andrew Andrews  
Lisa DeFeciani  
Bruce Bond, (alternate member)  
Denise Lenihan  
Michael McCrory

**Members Absent:** None

**ALSO, PRESENT:** Jane Slavin, Director, Office of Building, Zoning, Planning Administration and Enforcement, Rick Pakola, Deputy Town Attorney; Ann Marie Ambrose, Stenographer, and Gerard Chesterman, Planning Assistant

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

<b>Noonan's Backyard Dining Area Plan</b>	<b>PB #23-49</b>
Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review 16 East Central Avenue, Pearl River 68.20/1/13 & 14; CS zoning district	<b>Preliminary Site Plan Approval Subject to Conditions Neg. Dec.</b>

<b>Jachens Site Plan</b>	<b>PB #24-25</b>
Consultation 574 Route 303, Blauvelt 70.14/4/16; LO zoning district	<b>Consultation</b>

<b>RRIS Corp. Reapproval Site Plan</b>	<b>PB #24-05</b>
Reapproval of Final Site Plan Approval PB #18-03, dated January 10, 2018 1 Route 340, Orangeburg 74.11/2/26; CC zoning district	<b>Reapproval of Final Site Plan Subject to Conditions Reaffirmation of SEQRA</b>

**Other Business: Town Board Referral – Proposed Local Law Amending Chapter 43, Section 2.2 to Adjust the Zoning District of parcel known as 636 North Greenbush Road, Blauvelt (65.15-1-1).**

The Board reviewed the submitted Referral and had no comment. The Board made a motion to consent to the Town of Orangetown Town Board to be Lead Agency. A motion was made by Michael Mandel – Vice Chairman and second by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel – Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), not voting; and Andrew Andrews, aye.

TOWN CLERK'S OFFICE  
TOWN OF ORANGETOWN  
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**April 24, 2024 Planning Board Meeting**

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Michael McCrory and seconded by Kevin Farry and agreed to by all in attendance. The meeting was adjourned at 8:41 p.m. The next Planning Board meeting is scheduled for May 8, 2024.

**Dated: April 24, 2024**

**Gerard Chesterman, Town of Orangetown Planning Board**



TOWN OF ORANGETOWN  
2024 MAY 23 PM 10:21  
TOWN CLERK'S OFFICE

**PB #23-49:**

**Permit BLDR #504-22**

**Noonan's Backyard Dining Area Plan**

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

**Town of Orangetown Planning Board Decision**

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**TO: Donald Brenner, 4 Independence Avenue, Tappan, New York**

**FROM: Orangetown Planning Board**

**RE: Noonan's Backyard Dining Area Plan:** The application of Larry Vergine, applicant, for D & B No. 2, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site known as "**Noonan's Backyard Dining Area 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 16 East Central Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 1, Lot 13 & 14 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **April 24, 2024** at which time the Board made the following determinations:

Donald Brenner appeared and testified before the Board.

The Board received the following communications:

1. Project Review Committee Reports dated November 29, 2023 and April 10, 2024.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, Director, dated December 5, 2023 and April 19, 2024.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated December 11, 2023 and April 22, 2024.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector dated November 28, 2023.
5. Letters from the Rockland County Department of Planning signed by Douglas Schuetz, Acting Commissioner dated November 29, 2023 and April 15, 2024 and Notice from Jake Palant, dated October 13, 2023.
6. Letter and notice from the Rockland County Department of Health, signed by Brandon Durant, Ph.D., Assistant Public Health Engineer, dated April 8, 2024.
7. Letter from the Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated March 19, 2024.

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8. Letter from Rockland County Drainage Agency, signed by Liron Derguti, Engineer I, dated March 26, 2024.
9. Letter from Rockland County Sewer District #1, signed by Nicholas King, Engineer I, dated April 8, 2024.
10. Email from Orange and Rockland Utilities, signed by Alfred Gaddi, P.E. dated October 4, 2023.
11. Notice from Veolia New York, signed by Bill Prehoda, dated December 28, 2023.
12. Notices from the Town of Orangetown Zoning Board of Appeal, signed by Dan Sullivan, Chair, dated November 1, 2023.
13. Site Plan prepared by Jay A. Greenwell, PLS, LLC, dated January 17, 2024:
  - Sheet 1: Site Plan
  - Sheet 2: Site Plan
  - Sheet 3: Existing Conditions Plan
14. Architectural Plans prepared by Harry J. Goldstein, Architect, Design and Development, dated April 15, 2021, last revised March 3, 2023:
  - 1 of 2: Floor Plan and Wall Section
  - 2 of 2: Elevations, Outdoor Bar and Pizza Specs
15. Short Environmental Assessment Form signed by Larry Vergine, dated August 8, 2023.
16. Copies of the Town of Orangetown Zoning Board of Appeals Decisions #22-44 and #22-45, dated July 6, 2022.
17. Building Permit Referral dated January 26, 2022, signed by Rick Oliver, Building inspector with supplemental memorandums from Glenn Maier, Building Inspector, dated August 22, 2023 and February 27, 2024.

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

A motion was made to open the Public Hearing portion of the meeting by Michael Mandel – Vice Chairman and second by Denise Lenihan and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel – Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), not voting; and Andrew Andrews, aye.

There being no one to be heard from the Public, a motion was made by Michael Mandel – Vice Chairman and second by Denise Lenihan and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel – Vice Chairman aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), not voting; and Andrew Andrews, aye.

TOWN CLERK'S OFFICE  
APR 24 2024 12:01 PM  
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**Noonan’s Backyard Dining Area Plan**

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

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**SEQRA**

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (a) 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 Kevin Farry and seconded by Michael McCrory and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel – Vice Chairman aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye Bruce Bond, (alternate member), not voting; and Andrew Andrews, aye; the Board declared itself Lead Agency.

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, and the applicant’s consultant 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 Planning, and the Rockland County Department of Highways, and having reviewed the drawings presented by the applicant’s professional consultants; a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown 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 Kevin Farry and second by Denise Lenihan and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel – Vice Chairman, nay; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), not voting; and Andrew Andrews, nay; the Board made a Negative Declaration pursuant to SEQRA.

TOWN OF ORANGETOWN PLANNING BOARD  
2024 APR 23 12:02 PM  
TOWN ENGINEERING SERVICE



Noonan’s Backyard Dining Area Plan

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

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

1. The following note shall be placed on the Site Plan: “At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting.”
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
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. All easements must be shown on the updated site plan and must include; the bar and steel structural renderings; and the updates to the driveway.
5. The Town of Orangetown Office of Building Zoning Planning Administration and Enforcement reviewed the information and provided the following comments:
  1. Application is to legalize structures constructed in the rear yard without obtaining the required approvals and permits. A stop work order was issued, however applicant completed the outdoor covered bar and enlarged steel trellis. The applicant is advised that use of the outdoor covered bar at the rear of the property and the outdoor dining covered by the steel trellis is prohibited until a Certificate of Occupancy for said structures is obtained. If use of these areas is observed, violations will be issued.
  2. A site plan must be provided indicating the means of egress to the public way and must include any easements required to obtain access to the public way. Said easements are subject to review and approval by the Town of Orangetown.

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Continuation of Condition # 5

- 3. The outdoor covered bar and the aluminum frame/roof covering straddle two properties. Cross easements must be provided to permit this and must be shown on the drawings.
- 4. Site plan submission must list the previous Town of Orangetown Zoning Board Approvals (ZBA) and parking variance.
- 5. Provide specifications and details for the outdoor fireplace, height of the covered bar(s) and height of the aluminum frame/roof.
- 6. Review and approval are required from the Town of Orangetown Architecture and Community Appearance Board of Review, for the structures, outdoor fireplace, fencing and paver patio.
- 7. The following bulk variances are required from the Town of Orangetown ZBA;
  - o Per Chapter 43, Table 3.12, CS district,
    - column 9, side yard required is 0/12 feet with 1.9' to the covered bar; and
    - column 11, rear yard required is 25 feet with 6.6 feet to the covered bar; and
    - it appears that the roofed over alum frame has an 8.5' rear yard setback. This dimension must be provided. And
  - o Per Chapter 43, Article V, Section 5.153;
    - "No accessory building or structure, except a fence or swimming pool, shall be closer to any principal building or to any other accessory building or structure than a distance equal to the height of such accessory building or structure, and in no event less than 15 feet, unless it is attached to and is a part of such principal building."
    - The roof over the covered bar area appears to be approximately 11.5' from the rear of the main building. Dimension must be provided.

6. The town Orangetown Department of Environmental Management and Engineering reviewed the submitted information and has no further comments at this time.

7. The Town of Orangetown Bureau of Fire Bureau reviewed the submitted information and has the following comments:

- 1. The alley appears to be part of the means of egress to the public way. This would require a minimum 44" unobstructed path in a 9' alley. Bollards or similar shall be installed to prevent vehicles from using/obstructing the alley.
- 2. A clearly discernable egress path must be shown for building occupants through outdoor space.

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**Continuation of Condition #7**

3. Design occupant load was not provided, but depending on the layout (table and chairs or standing) 3 exits may be required.
4. Show exit size and layout on the plan.
5. When the applicant installs the walls for this structure a sprinkler system will be required throughout the building

**8.** The Rockland County Department of Planning reviewed the information and offered the following comments:

- The applicant must comply with the conditions provided in the Rockland County Highway Department's letter of March 19, 2024 and all required permits obtained.
- A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- The vicinity map shall include a north arrow and scale.

**9.** The Rockland County Department of Health reviewed the information and offered the following comment:

- There are no Rockland County Department of Health Approvals needed for this application

**10.** The Rockland County Highway Department (RCHD) reviewed the information and offered the following comment:

- A road work permit must be obtained from the RCHD prior to starting any construction activities in the site

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TOWN OF ORANGETOWN  
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**Noonan's Backyard Dining Area Plan  
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**11.** The Rockland County Drainage Agency (RCDA) reviewed the information and offered the following comments:

- The Noonan's Backyard Dining Area is outside the jurisdiction of the RCDA, pursuant to the Rockland County Stream Control Act, Chapter 846. Therefore, a Stream Control Act permit from the RCDA is not required for developments within this site.

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

**13.** Orange and Rockland Utilities reviewed the submitted information and offered the following comment:

- The proposed work does not seem to be in conflict with the existing gas lines. All code 753 rules must still be followed.

**14.** Veolia New York reviewed the submitted information and requested that no future correspondence be sent to the agency.

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

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

TOWN OF ORANGETOWN  
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16. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans and Board Decision prior to signing the final plans.

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

18. 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.

19. 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.

TOWN OF ORANGETOWN  
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**Town of Orangetown Planning Board Decision**

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**20.** 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.

**21.** 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.

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

**23.** 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).

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

**25.** 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.

TOWN CLERK'S OFFICE

APR 24 2024 10:23 AM

TOWN OF ORANGETOWN



**PB #23-49:**

**Permit BLDR #504-22**

**Noonan's Backyard Dining Area Plan**

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

**Town of Orangetown Planning Board Decision**

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

The foregoing Resolution was made and moved by Michael McCrory and seconded Lisa DeFeciani and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), not voting; and Andrew Andrews, aye.

The Planning Assistant 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: April 24, 2024**

**Gerard Chesterman, Town of Orangetown Planning Board**



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

**PB #23-49:**

**Permit BLDR #504-22**

**Noonan's Backyard Dining Area Plan**

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

**Town of Orangetown Planning Board Decision**

**April 24, 2024**

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: Noonan's Backyard Dining Area Plan**

SEQR STATUS: Type I \_\_\_\_\_ Unlisted XXXXXX

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

**DESCRIPTION OF ACTION: Preliminary Site Plan Review**

LOCATION: 16 East Central Avenue, Pearl River, New York 10965

**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

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

TOWN CLERK'S OFFICE

APR 24 2024 10:23 AM

TOWN OF ORANGETOWN



**PB #24-25: Jachens Site Plan Consultation**

**Town of Orangetown Planning Board Decision**

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**TO: Jay Greenwell, 34 Wayne Avenue, Suffern New York, 10901**

**FROM: Orangetown Planning Board**

**RE: Jachens Site Plan Consultation:** The Application of Glenn Jachens, applicant, CGSH 574 LLC, Owner for Site Plan Consultation at a site to be known as “**Jachens Site Plan Consultation**”, 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 574 Rt 303, Blauvelt, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 70.14, Block 4, Lot 16 in the LO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **April 24, 2024** at which time the Board made the following determinations:

Jay Greenwell and Glenn Jachens appeared and testified before the Board. The Board received the following communications:

1. Project Review Committee Report dated April 10, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, Director, dated April 19, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated April 22, 2024.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector dated April 19, 2024.

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

A motion was made to open the Public Hearing portion of the meeting by Denise Lenihan and seconded Michael Mandel - Vice Chairman and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel-Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), not voting; and Andrew Andrews, aye.

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**PB #24-25: Jachens Site Plan Consultation**

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There being no one to be heard from the Public, a motion was made by Michael Mandel - Vice Chairman and second by Denise Lenihan and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel-Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), not voting; and Andrew Andrews, aye.

**CONSULTATION:** In view of the foregoing and the testimony before the Board, provided the applicant with the following comments:

**1.** Town of Orangetown Office of Building, Zoning, Planning Administration and Enforcement Offered the following comments:

1. Provide floor area calculation breakdown. Floor area of the shipping container must also be provided.
2. Provide a vehicle turnaround area.
3. Provide setback dimensions to the shipping container. The shipping container location will require approval of the Zoning Board of Appeals for side yard and rear yard setbacks.
4. Per Chapter 43, Table 3.11, LO District, column 7, number 3, no parking is permitted in any required yard, unless permitted by any board having jurisdiction. This permission may be given at the time of site review.
5. Show structures and driveway entrances of the adjacent properties.
6. Review and approval is required by the Town of Orangetown Architecture and Community Appearance Board of Review for the site improvements and any changes to the building facade to accommodate the work.
7. The two businesses that are currently occupying the building do not have a Certificate of Occupancy. Tenants must submit an occupancy application to the Town of Orangetown Office of Building, Zoning, Planning Administration and Enforcement.

**2.** The Town of Orangetown Department of Environmental Management and Engineering offered the following comments:

1. Drainage calculations, prepared and sealed by the New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval. The calculations shall demonstrate that the proposed onsite storage system shall achieve a zero-net increase in runoff, up to and including the 100-year storm.
2. The requested drainage calculations shall include the sizing calculations, material specifications, installation and maintenance instructions for the proposed Cultec detention system as well as the Hydroworks water quality structure.

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**PB #24-25: Jachens Site Plan Consultation**

**Town of Orangetown Planning Board Decision**

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**Continuation of Condition # 2**

3. Soil analysis, perc test and determination of groundwater elevations shall be performed at all of the proposed stormwater system locations. These tests/ investigations shall be performed in the spring or fall when the ground water table is typically at its highest. These tests shall be performed prior to this proposal receiving Final Approval to ensure the adequacy of the design. The information / test results / elevations shall be added and incorporated into the Stormwater Pollution Prevention Plan (SWPPP) and Drainage calculations. DEME shall be notified at least 48 hours in advance of these field tests/ investigations. Copies of all correspondence related to these issues shall be submitted to DEME.
4. If the project proposes to utilize infiltration basins, the applicant's engineer is reminded that as per the NYSDEC-SMDM- "*The bottom of infiltration facility shall be separated by at least three (3) feet vertically from the seasonally high-water table or bedrock layer, as documented by on-site soil testing.*"
5. The total area of disturbance shall be given on the plans and in the drainage calculations.
6. A "double" catch basin structure & top shall be proposed at the north-west corner of the proposed parking area to capture all the stormwater runoff.
7. It is unclear as to where the proposed drainage system would overflow. The location and path of a potential overflow of the system shall be added to the plans.
8. Profiles for all existing and proposed drainage piping and the proposed sanitary building connection shall be added to the plans.
9. As-builts for the entire proposed storm drainage system shall be submitted to DEME for review and approval upon completion of construction.
10. A post construction stormwater maintenance agreement for the proposed stormwater system shall be submitted to DEME and the Town of Orangetown Attorney's Office for review and approval. Said agreement shall include a maintenance and management schedule, inspection checklist, contact person with cell phone number, yearly report to be submitted to DEME, etc.
11. The sight distance at driveway entrance onto Route 303 shall be given on plans.

ENCLOSURE SHEET NO. 1  
TOWN OF ORANGETOWN  
PLANNING BOARD

**PB #24-25: Jachens Site Plan Consultation**

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**Continuation of Condition # 2**

12. Given the fact that with this proposal, three (3) separate businesses plus an existing private dwelling shall be utilizing the common driveway, DEME strongly recommends that no left turns onto Route 303 be allowed. A sign shall be shown on the site plan depicting no left turns out of driveway.
13. The width of the existing driveway entrance onto Route 303 shall be listed in the plans.
14. Sanitary calculations for the proposed site, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval.
15. The existing sanitary building connection that is to be abandoned shall be labeled as to be removed in its entirety up to the existing main. This connection shall be labeled to be cut and capped at the main.
16. The proposed sanitary building connection shall be 6-inch PVC.
17. The proposed sanitary building connection shall be re-aligned to be more "inline" with the pitch of the existing sanitary main.
18. Sanitary sewer building connection details shall be added to the plans (including all inverts.)
19. A note shall be added to the plan stating that the Town of Orangetown Sewer inspector shall be notified at least 48 hours in advance of any and all construction on or near existing and proposed sanitary sewer facilities.
20. The stabilized construction entrance (SCE) detail shall be revised to show and list the width of the SCE to be 24 feet wide.
21. The location of the SCE shall be relocated to the end of the existing paved driveway.
22. Drawing legends shall be added to all of the plans.
23. A note shall be added to the site plan indicating the source benchmark for the referenced datum (including the BM elevation.)

**3. The Town of Orangetown Bureau of Fire Prevention offered the following comment:**

- Fire Access roads over 150' must have an approved turnaround. 2020ifc 503.2.5 Figure D103.1.

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4. Provide a Landscape and Lighting Plan.
5. On the site plan, provide the retaining wall details.

The foregoing **Consultation** was made and moved by Michael McCrory and second by Lisa DeFeciani and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel-Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), not voting; and Andrew Andrews, aye.

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

**Dated: April 24, 2024**

**Gerard Chesterman, Town of Orangetown Planning Board**



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**PB #24-05: RRIS Corp Site Plan  
Reapproval of Final Site Plan Approval PB #18-03,  
Subject to Conditions / Neg Dec**

**Permit #45162**

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**TO: Donald Brenner, 4 Independence Avenue, Tappan, New York  
FROM: Orangetown Planning Board**

**RE: RRIS Corp. Site Plan:** The application of Paul Adler, owner, for **Reapproval of Final Site Plan Approval PB #18-03**, dated January 10, 2018 at site to be known as “**RRIS Corp. 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 1 Route 340, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.11, Block 2, Lot 26 in the CC zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, January 10 and April 24, 2024**, the Board made the following determinations:

**January 10, 2024**

Donald Brenner, Jesse Cokeley and Samuel Adler appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated January 3, 2024.
2. Letter from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated January 5, 2024.
3. Letter from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 8, 2024.
4. Letter from DEME, signed by Eamon Reilly, P.E. Commissioner, dated February 14, 2019.
5. Letter from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated December 14, 2023.
6. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated January 6, 2024.
7. Letter from the Rockland County Department of Planning, signed by Douglas J. Schuetz, Acting Commissioner, dated January 2, 2024.
8. Letter from the Rockland County Department of Health (RCDOH), signed by Elizabeth Mello, P.E. Senior Public Health Engineer, dated January 8, 2024.
9. Notice from the Rockland County Highway Department, signed by Dyan Rajasingham, dated November 8, 2023.
10. Letter from Rockland County Drainage Agency, signed by Liron Derguti, Engineer I, dated November 3, 2023.
11. Letter from Rockland County Sewer District # 1, signed by Nicolas King, Engineer I, dated January 8, 2024.

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

There being no one from the Public, a motion was made to close the Public Hearing portion of the meeting by Kevin Farry and second by Denise Lenihan and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, aye; Michael Mandel – Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye Tara Heidger, (alternate member), aye; and Andrew Andrews, aye.

The applicant requested a **CONTINUATION**.

**April 24, 2024**

Donald Brenner, Matthew Ryan and Samuel Adler appeared and testified. The Board received the following communications:

1. A Project Review Committee Report dated April 10, 2024.
2. Interdepartmental letter from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, April 19, 2024.
3. Interdepartmental from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated April 22, 2024 with an attached Town of Orangetown Department of Environmental Management and Engineering letter to Maser Consulting, signed by Eamon Reilly, P.E. Commissioner, dated February 19, 2019.
4. Interdepartmental letter from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated April 2, 2024.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated April 23, 2024.
6. Letter from the Rockland County Department of Planning, signed by Douglas J. Schuetz, Acting Commissioner, dated April 16, 2024.
7. Letter from the Rockland County Sewer District #1, signed by Nicolas King, Engineer 1, dated April 8, 2024.

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8. Final Site Plan for RRIS Corporation, prepared by Colliers Engineering & Design, last revised February 28, 2024;

- Sheet NO. 1 – Cover Sheet
- Sheet NO. 2 – Project Notes
- Sheet NO. 3 – Demolition Plan
- Sheet NO. 4 – Layout Plan
- Sheet NO. 5 – Grading, Drainage & Utility Plan
- Sheet NO. 6 – Proposed Storm Profiles
- Sheet NO. 7 – Proposed Sanitary Profiles
- Sheet NO. 8 – Landscape Plan & Details
- Sheet NO. 9 – Lighting Plan
- Sheet NO. 10 – Soil Erosion & Sediment Control Plan
- Sheet NO. 11 – Construction Details
- Sheet NO. 12 – Construction Details
- Sheet NO. 13 – Construction Details
- 1 OF 1 – Fire Truck Movement Exhibit

9. Project Narrative prepared by Colliers Engineering & Design, dated February 28, 2024.

10. Comment letter from Colliers Engineering and Design dated February 29, 2024, signed by Jesse Cokeley, PE, Geographic Discipline Leader.

11. Copy of the Short Environmental Assessment Form dated August 17, 2018, signed by Jesse Cokeley.

The Board reviewed the submitted information. The hearing was open to the public.

A motion was made to open the Public Hearing portion of the meeting by Kevin Farry and second by Michael Mandel – Vice Chairman and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel – Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), not voting; and Andrew Andrews, aye.

There being no one to be heard from the Public, a motion was made by Kevin Farry and second by Michael Mandel – Vice Chairman and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel – Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), not voting; and Andrew Andrews, aye.

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**SEQRA**

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (a) 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 – Vice Chairman and second by Kevin Farry and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel – Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), not voting; and Andrew Andrews, aye, the Board declared itself Lead Agency.

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, and the applicant’s consultant 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 Planning, Rockland County Department of Highways, Rockland County Department of Health, Rockland County Sewer District #1, and having reviewed the drawings presented by the applicant’s professional consultants; a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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

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**DECISION:** In view of the foregoing and the testimony before the Board, the application was granted **Reapproval of Final Site Plan 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. 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 shall comply with all relevant pertinent conditions of previous Board Decisions: PB #18-03: Final Site Plan Approval Subject to Conditions, dated January 10, 2018; ACABOR #17-43, Approved Subject to Conditions, dated October 5, 2017; ZBA #17-73, Front Yard and Side Yard Variances Approved, dated October 4, 2017 and PB #16-36, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated July 26, 2017.
5. As part of Orangetown history, a commemorative plaque shall be placed on the north end of the site noting that it was the location of "Gus Wilson's Prize Fighting Training Camp", at which Jack Dempsey trained, a world heavyweight title boxer in the 1920's. The applicant shall contact Mary Cardenas, Museum Director of the Orangetown Historical Museum & Archives, for additional information.

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6. Town of Orangetown Office of Building Zoning Planning Administration and Enforcement (OBZPAE) reviewed the information and provided the following comments:

- The applicant must submit a new Flood Plain Permit application which must include a certification by the Engineer of record, that the proposed work is in full compliance with the Town of Orangetown Flood Plain regulations and FEMA.
- Per NYStretch Code, the project must comply with C405.10:
  - C405.10 Electric vehicle charging station capable. New parking garages and new parking lots powered by the energy services for a building, and with 10 or greater parking spaces, shall provide either:
    - Panel capacity and conduit for the future installation of minimum 208/240V 40-amp outlets for 5 percent of the total parking spaces and not less than two parking spaces; or
    - Minimum 208/240V 40-amp outlets for 5 percent of the total parking spaces and not less than two parking spaces.
- The following variances are required from the Town of Orangetown Zoning Board of Appeals:
  - Per Chapter 43, Table 3.12, CC district, Column 8, Front yard required is None or 45' with 14.65' proposed; and Column 9, Side Yard required is none or 12' with 5' proposed.

7. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Site Plan is stamped and the construction plans are reviewed and approved by the inspector.

8. Town of Orangetown Department of Environmental Management and Engineering (DEME) reviewed the information, supports the Reapproval of the Final Site Plan and provided the following comments:

1. The previously approved Post Construction Stormwater Maintenance Agreement shall be revised utilizing the latest Town boiler plate. Also, the checklist shall be revised to provide separate labeled checklists for each and every proposed drainage facility. DEME shall coordinate these revisions with the applicant engineer.

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**Continuation of Condition #8**

2. DEME corresponded with Jesse Cokeley of Maser Consulting (the applicant's engineer) regarding the use of the sites existing sanitary building connections. A copy of this correspondence, dated February 14, 2019, is noted below. One of the requirements outlined in that letter is that the property owner must provide a signed letter listing and agreeing to the requirements outlined in the said letter. This document is still outstanding and needs to be supplied.
  - Letter signed by Eamon Reilly, P.E. Commissioner  
February 14, 2019: Please be advised that after reviewing your letter, regarding the request to utilize the existing sanitary service connections for RRIS Corp. Site Plan applications, DEME hereby grants the request to use the existing sanitary sewer connections and to have multiple individual connections "tie into" the two existing 4-inch sanitary service connections. This approval is contingent upon the following requirements;
    - This is a one-time, special case, site specific approval.
    - The applicant shall televise the existing service connections PRIOR to any other work or construction happening on the site to ensure that the connections are in a serviceable condition to accept the proposed flow.
    - The applicant/ applicant's engineer shall arrange for and ensure that the Town's Sewer Inspector shall witness the televising of the service connections.
    - The owner of the property is SOLEY responsible for the care and all future maintenance of these service connections (from origination to the Town's main trunk line.)
    - The owner signs a letter stipulating to the requirements named above and submits said letter to DEME, with copies to Planning Board and Town Attorney's office.
    - The applicant / owner adds these stipulations (1-4) as notes to the site plan.
  
3. New calculations shall be submitted for Comparing SQFT of new pavement vs. previously approved and new pavers vs. previously approved.

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9. The Bureau of Fire Prevention reviewed the information and provided the following comment:

1. Fire Truck Movement Exhibit appears to show truck movements through the handicapped access area and the north west corner of the building. Firetruck movement along the access road must be impeded.

**10. Drainage Review – Brooker Engineering**

The application has provided sufficient information to demonstrate that potential significant adverse impacts with respect to drainage and the Sparkill Creek can be mitigated. Brooker Engineering, the Planning Board Drainage Consultant, therefore recommends that the RRIS Site Plan be approved for drainage subject to the following Project Comments.

**Project Description**

This is the fifth drainage review report for this project; the last review was dated January 6, 2024. The property is located along the north side of Route 340, just east of Route 303. There are two existing buildings on the site that are to be removed. Stormwater runoff flows west on the site toward Sparkill Creek. The site is encumbered by the Sparkill Creek 100-year floodplain. The building has been elevated to a proposed first floor elevation of 77.5 NAVD, which meets New York State Building Code by providing two feet of freeboard above the 100-year base flood elevation of 75.5 NAVD. As per the last revision, the applicant has changed the proposed use from a hotel building and associated parking to a retail / service building with fewer parking requirements. The proposed conditions impervious surface is reduced from existing conditions and there is a net increase in flood storage on the site as a result of the proposed grading.

**Project Comments**

2. As per previous comments and responses, the grading along the east side of the new building at the location where the building is five feet offset from the property line needs additional clarification to ensure the design intent of positive drainage away from the new building while not negatively impacting the adjacent parcel can be constructed. The narrative response states that the "stormwater runoff flows east to west, so the proposed building should not impact that runoff pattern." Since the stormwater runoff flows east to west, the proposed building could potentially cut off stormwater runoff from the existing parcel to the east that under existing conditions would flow through the area of the proposed building footprint. More detail is needed in this area to demonstrate the proposed building would not impact the drainage pattern and negatively impact the property to the east. Additional sections in this area can be used to demonstrate that existing drainage pattern will be maintained, while also facilitating review by the building department during construction.
3. Provide manufacturer specifications regarding the capacity of the check valve with respect to head on the upstream side of the check valve.

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11. The Rockland County Department of Planning reviewed the information and provided the following comments:

1. A review must be completed by the New York State Department of Transportation, and all required permits obtained.
2. The western property boundary encroaches into the Sparkill Creek, a County regulated stream. An updated review of the February 24, 2024 site plan must be completed by the Rockland County Drainage Agency and all required permits obtained.
3. The Sparkill Creek is listed in the FINAL New York State 2018 Section 303(d) List of Impaired/TMDL Waters (June 2020) as a waterbody with impairments that do not support best uses and requires development of a Total Maximum Daily Load (TDML). The pollutants identified are fecal coliform and oxygen demand. The suspected source of the pollution is urban/stormwater runoff. Development applications within the Sparkill Creek watershed must consider the adverse impacts of potential pollutant loadings to the Creek.
4. The New York Natural Heritage Program's (NHP) database, as reflected on the Hudson Valley Natural Resource Mapper indicates that the western portion of the site is within the riparian buffer of the Sparkill Creek. The NHP has identified riparian buffers to highlight important streamside areas that influence stream dynamics and health. Well-vegetated riparian buffers intercept stormwater runoff, filter sediment and nutrients, and help attenuate flooding. Natural buffers also support unique and diverse habitats, and often conserve wildlife travel corridors. The Board must consider the impact of additional structures and impervious surface in the riparian buffer and the potential degradation of water quality and intensification of localized flooding.
5. According to the Hudson River Natural Resource Mapper, there are federally regulated wetlands on the subject property under the category of "Riverine" (Sparkill Creek). Such wetlands also depicted along the Sparkill Creek on the maps maintained by the Rockland County GIS Division. The proposal must be submitted to the United States Army Corp of Engineers for a jurisdictional determination. Any federally regulated wetlands must be delineated on the site plan drawing.

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**Continuation of Condition #11**

6. If the United States Army Corp of Engineers requires a permit pursuant to Section 404 of the Clean Water Act for the discharge to fill in Waters of the U.S., then a Section 401 Water Quality Certification (WQC) will be required to verify compliance with State water quality regulations. Issuance of these certifications is delegated in New York State to the NYSDEC. If the project qualifies for a Nationwide Permit, it may be eligible for coverage under a DEC Blanket WQC. Coverage under a Blanket requires compliance with all conditions for the corresponding Nationwide Permit. For more information and to view the DEC Blankets WQCs, please visit the NYSDEC website. A determination on Corps jurisdiction and a Nationwide Permit eligibility is likely necessary for a DEC Jurisdictional determination. The Planning Board must be satisfied that there are no additional negative impacts to wetlands or wetland buffers.
7. An updated review of the February 28, 2024 site plan must be completed by the Rockland County Sewer District #1 and any comments addressed.
8. The applicant must comply with the comments provided in the December 14, 2023 letter from the Orangeburg Fire Inspector. In addition, the County of Rockland Office of Fire and Emergency Services or Orangeburg Fire Department shall be given the opportunity to review this proposal.
9. The subject site encroaches into the 100-year floodplain of the Sparkill Creek according to the maps made available to the Rockland County GIS Division via the FEMA Flood Map Service Center. The Engineer of record shall certify to the floodplain administrator for the Town of Orangetown that the proposed construction is in compliance with the floodplain regulations of the town and Federal Emergency Management Agency.
10. Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Standards for Urban Erosion and Sediment Control.
11. There shall be no net increase in the peak rate of discharge from the site at all design points.
12. A stormwater pollution prevention plan (SWPPP) was not received by the County Planning Department. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (August 2010) and local ordinances.

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**Continuation of Condition #11**

13. Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns and County with an adequate supply of water. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.
14. Six of the proposed parking spaces encroach into one Rockland County Sewer District # 1's Easements. The Sewer District must confirm that the parking spaces within their easements is acceptable and will not hinder access for maintenance. Additionally, the Town must be satisfied that the signage indicating the "Area is prone to flooding" adequately addresses the placement of parking spaces within the 100-year floodplain.
15. All proposed signage shall be indicated on the site plan and shall conform to the sign ordinance in Chapter 31C of the Orangetown Code.
16. The Rockland County Department of Planning recommends that the applicant use plants that are native to New York for the proposed landscaping to help preserve and promote biodiversity. Native plants are better adapted to the local climate and soils, making it easier to care for, and result in the need for less fertilizer, pesticides, and use of water. They also have deeper root systems that help prevent erosion and increased runoff into local water bodies. A PDF titled "Native plants for Gardening and Landscaping Fact Sheets" that lists native species and the environments in which they can grow can be found on the New York State Department of Environmental Conservation's website.
17. The Rockland County Department of Planning commend the applicant's use of permeable pavers to help reduce the impact of this development, including off-site stormwater runoff. It is also advisable that permeable pavers be considered for the parking within the floodplain area. If installed correctly and properly maintained, porous pavers have been shown to be effective in helping manage off-site runoff of stormwater. In addition to permeable pavers, other green infrastructure techniques should be considered such as bioswales, rain gardens, rainwater capture. It is recommended that the applicant review chapter 5 "Green Infrastructure Practices" of the 2015 NYSDEC Stormwater Design Manual.

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**Continuation of Condition #11**

18. This project presents an opportunity to advance the goals of the New York State Climate Leadership and Community Protection Act (the Climate Act), through the inclusion of on-site renewable energy. The Climate Act, which was signed into law in 2019, set a goal of reducing greenhouse gas emissions by 85% from 1990 levels by 2050. This development will result in an increased demand for energy and will put that energy from the grid. It appears based on the drawings and graphics provided that the proposed building has a large roof that may be conducive to the instillation and use of solar panels. It is recommended that the potential use of on-site renewable energy be evaluated and strongly considered. Likewise, the building should be designed and constructed to maximize energy efficiency.
19. The proposed project presents an additional opportunity to advance the goals of The Climate Act through the inclusion of publicly available electric vehicle (EV) charging stations. One of the key strategies towards meeting this goal is the electrification of the transportation system through the expanded installation of EV charging infrastructure. With U.S. automakers predicting that approximately one-half of new vehicle sales will be electric by 2030, the availability of charging stations will likely be a positive attraction for this site and its residents. The Planning Department urges the Town and the applicant to take advantage of this opportunity and include this important infrastructure in the proposed site improvements.
12. All necessary Rockland County Department of Health (RCDOH) approvals have been submitted, which include the following:
- RCDOH must approve plans for the sewage disposal per Article IV, Section 4.2.1 of the Rockland County Sanitary Code. Formal application has been made.
  - Application has been made to the RCDOH for review of the storm water management system for compliance with the county mosquito Code.
13. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is within the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Act, Chapter 846, is required for any developments within this parcel
14. The Rockland County Highway Department reviewed the information and does not have any comments or recommendations at this time.

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**15.** The Rockland County Sewer District #1 reviewed the information and provided the following comments:

1. The District owns and maintains sewers in two (2) easements on the property:
  - No permanent structures may be built within the easements.
  - General Note 35 on Sheet No. 2 (Project Notes) acknowledges that the district must be notified forty-eight (48) hours in advance if any foundation work or other types of major excavation work is to be done within close proximity to the easement boundary. Shoring or other types of precautions may be needed to protect the sewer main. The property owner must also pay these expenses.
  - General note 36 on Sheet No. 2 acknowledges that the District must be notified when the land within the easement is to be modified. This includes but is not limited to regarding, raising or lowering of manhole frames, or working in close proximity to sewers and manholes within the easement. The Rockland County Sewer District #1 office must approve of any construction to be done within the easement.
  - The contractor must obtain required insurance and sign a waiver to defend, indemnify, save and hold harmless both the County of Rockland and the Rockland County Sewer District # 1 from any claims arising from work performed within the easement.
2. Sheet NO. 5 (Grading, Drainage & Utility Plan) shows that the sanitary sewer for this project will connect to the Orangetown sewer.
3. The "Engineer's Report for Proposed Sewer System" dated June 2018 shows that the District 48-inch interceptor sewer is above the zone of influence on the soil caused by the proposed building.
4. The district does not object to stamping of the final plans by the Planning Board.

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**16.** 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.

**17.** All reviews and approvals from various government agencies must be obtained prior to stamping of the Site Plan.

**18. TREE PROTECTION:** The following note shall be placed on the Site Plan: The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

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

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

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**19.** 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.

**20.** 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.

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

**22.** 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).

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

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

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

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

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

**Override**

The Board made a motion to override Conditions 15 & 16 of the April 16, 2024 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

**#15.** The turn at the northwest corner of the building is narrow and does not allow for adequate sightlines to motor vehicle and pedestrian safety. In addition, larger vehicle and trucks will have difficulties making the turn without encroaching into the opposite lane. The Fire Truck Movement Exhibit provided demonstrates that a fire truck making this turn will come into close contact with the corner of the building. The Orangetown Planning Board, at their January 10, 2018 meeting held that the applicant will place a stop bar to create safer traffic circulation. While this will slow down vehicle movement on the site, it will not remedy the site's visibility and maneuverability issues created by this layout. Despite the response provided by Colliers Engineering in their letter of February 24, 2024, the most recent revisions made to the site plan do not appear to address our departments concerns. The site must be reconfigured for better vehicle maneuverability and safety, specifically near the northwest corner of the building.

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**Overrides...Continued...**

The Board held that the plans were reconfigured to the satisfaction of the Planning Board and the fire inspector based on the truck turning diagram. Specifically, the renderings show; that the stop bar was added; the fire truck entrance was revised and addressed; and the northwest corner is left open.

A motion to override the condition #15 was made and moved Michael Mandel – Vice Chairman and second by Kevin Farry and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel – Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), not voting; and Andrew Andrews, aye;

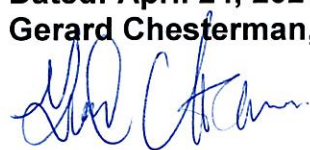
**#16.** According to the February 29, 2024 letter from Colliers Engineering & Design, an ADA accessible paver walkway is provided around the north side of the building to the entrances of the retail building. This walkway appears to traverse from the northern handicap access stall to the northwest corner of the building, where it terminates. The building entrances along the western side of the building are only directly accessible from the fire lane, while two eastern entrances are located along an unpaved area. This configuration still appears to be unsafe and inconvenient for pedestrians, especially those with mobility impairments. Sidewalks should be provided directly to the building entrances. The fire lane shall not substitute for a walking path.

The Board held that the entrances are level with the ground floor and the placement of a sidewalk would be impractical because the businesses are level with the ground floor. Also, needs are met for Americans with Disabilities Act (ADA) accessible walkway.

A motion to override the condition #16 was made and moved by Michael Mandel – Vice Chairman and second by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel – Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), not voting; and Andrew Andrews, aye;

The Planning Assistant 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: April 24, 2024**  
**Gerard Chesterman, Town of Orangetown Planning Board**



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