

**TOWN OF ORANGETOWN PLANNING BOARD**  
**Meeting of Wednesday, July 10, 2024**

**MEMBERS PRESENT:** Thomas Warren, Chairman  
Michael Mandel, Vice Chairman  
Lisa DeFeciani  
Michael McCrory  
Bruce Bond (alternate member)

**MEMBER ABSENT:** Andrew Andrews and Denise Lenihan

**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:

**Continued Items:**

<b>Gatto Lane Site Plan</b>		<b>PB #24-27</b>
Final Site Plan Review	<b>Final Site Plan Approval</b>	
Gatto Lane, Pearl River	<b>Subject to Conditions</b>	
68.07/2/1; PAC and R-15 zoning district		

<b>South Corner Site Plan</b>		<b>PB #24-28</b>
Reapproval and Amendment to	<b>Reapproval of the</b>	
Final Site Plan Review	<b>Final Site Plan with an Amendment</b>	
2 Route 340, Orangeburg	<b>Subject to Conditions</b>	
74.11/2/47; CC zoning district		

<b>Noonan's Backyard Dining Area Plan</b>		<b>PB #24-29</b>
Amendment to Prepreliminary	<b>Amendment to</b>	
Site Plan Approval dated	<b>PB#23-49, ACABOR</b>	
April 24, 2024, PB#23-49	<b>Review not required</b>	
16 East Central Avenue, Pearl River		
68.20/1/13 & 14; CS zoning district		

**New Items:**

<b>Rosenfeld Site Plan</b>		<b>PB #24-30</b>
Critical Environmental Area	<b>Continuation:</b>	
Prepreliminary/Preliminary/	<b>Needs Drainage</b>	
Final Site Plan		
and SEQRA Review		
1114 Route 9W, Upper Grandview		
71.05/1/19; R-22 zoning district		

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**39 South Williams Site Plan** **PB #24-31**  
Final Site Plan Review **Continuation**  
39 South William Street, Pearl River  
68.20/1/30.2; CS zoning district

**German Masonic Park Site Plan Amendment** **PB #24-32**  
Prepreliminary/Preliminary/Final Site Plan  
and SEQRA Review **Postponed**  
89 Western Highway, Tappan  
77.06/3/13; R-15 zoning district

**44 Franklin Avenue Site Plan** **PB #24-33**  
Prepreliminary/Preliminary/Final Site Plan  
and SEQRA Review **Postponed**  
44 Franklin Avenue, Pearl River  
68.20/2/80; CS zoning district

**1-4 Salisbury Point Site Plan** **PB #24-34**  
Prepreliminary/Preliminary/  
Final Site Plan and SEQRA Review **Postponed**  
1-4 Salisbury Point, South Nyack  
66.78/1/27; SN-HRA zoning district

The decisions of the June 12, 2024 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel - Vice Chairman and seconded by Lisa DeFeciani carried as follows: Thomas Warren - Chairman, aye; Michael Mandel - Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, absent; Denise Lenihan, absent; Bruce Bond, aye; and Lisa DeFeciani, aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Michael Mandel - Vice Chairman and seconded by Bruce Bond and agreed to by all in attendance. The meeting was adjourned at 9:30 p.m. The next Planning Board meeting is scheduled for July 24, 2024.

**Dated: July 10, 2024**  
**Cheryl Coopersmith, Town of Orangetown Planning Board**



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**TO: Kenneth DeGennaro, Brooker Engineering, 74 Lafayette Avenue,  
Suffern, New York**  
**FROM: Orangetown Planning Board**

**RE: Gatto Lane Site Plan:** The application of Toll Brothers, applicant for Gatto Lane LLC, owners, for **Final Site Plan Review** at a site to be known as "**Gatto Lane Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at Gatto Lane, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section; 68.07, Block 2, Lot 1 in the R-15/ PAC zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **July 10, 2024** at which time the Board made the following determinations:

Kenneth DeGennaro, Frank Toto, Kevney Moses and Lino Sciarretta appeared and testified before the Board.

The Board received the following communications:

1. Project Review Committee Report dated June 12, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, from Jane Slavin, Director, dated June 21, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated June 25, 2024.
4. Interdepartmental memorandum from the Fire Prevention Bureau, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated June 10, 2024.
5. Drainage Review prepared by Colliers Engineering & Design, dated June 5, 2025, signed by Jesse Cokeley, PE.
6. Interdepartmental memorandum from the Highway Department, Town of Orangetown, signed by James Dean, Superintendent of Highways, dated June 26, 2024.
7. Interdepartmental memorandums from Aric Gorton, Superintendent of Parks, Recreation and Building Maintenance, Office of Recreation and Parks, Town of Orangetown, dated January 11, 2023 and June 26, 2024.
8. Letter from Bleakley Platt, dated June 25, 2024.
9. Letters and notices from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated May 13, 2024 and a notice from Jake Palant, dated May 13, 2024.
10. Notices from Rockland County Highway Department, signed by Dyan Rajasingham, dated April 24, 2023.

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11. Letter and notice from the Rockland County Department of Health, signed by Brandon Durant, Ph.D., Assistant Public Health Engineer, dated June 7, 2024.
12. Letter from the Village of Chestnut Ridge, dated May 29, 2024, signed by Florence Mandel, Village Clerk.
13. Email from Veolia NY dated May 1, 2024, from Frank Mcglynn, New Business Manager.
14. Copies of the following Board Decisions: ACABOR #24-12, Approved as Presented, dated March 21, 2024 and PB#23-22, Preliminary Site Plan Approval Subject to Conditions, dated February 15, 2024.
15. Gatto Lane PAC Site Plan, prepared by Brooker Engineering, PLLC, dated November 10, 2022, last dated April 14, 2024;
  - Sheet 1: Title Sheet
  - Sheet 2: Final Site Plan
  - Sheet 3: Final Grading, Utility and Drainage Plan
  - Sheet 4: Final Water Main Plan
  - Sheet 5: Final Sediment & Erosion Control Plan
  - Sheet 6: Final Lighting Plan
  - Sheet 7: Final Proposed Private Road & Gatto Lane Profile
  - Sheet 8: Final Storm Drain Profiles (1 of 3)
  - Sheet 8a: Final Storm Drain Profiles (2 of 3)
  - Sheet 8b: Final Storm Drain Profiles (3 of 3)
  - Sheet 9: Final Sanitary Sewer Profiles
  - Sheet 10: Final Water Main Profile
  - Sheet 11: Final Gatto Lane Improvement Plan
  - Sheet 12: Final Detention Basin Plan
  - Sheet 13: Construction Details (1 of 2)
  - Sheet 14: Construction Details (2 of 2)
  - Sheet 15: Final Fire Truck Maneuver Plan
  - Sheet 16: Existing Conditions
  - Sheet 17: Fire Compliance Exhibit (1 of 2)
  - Sheet 18: Fire Compliance Exhibit (2 of 2)
16. Gatto Lane PAC SWPPP, prepared by Brooker Engineering, PLLC, dated April 26, 2024.
17. Letter from Brooker Engineering (applicant's engineer) dated July 9, 2024, signed by Kenneth DeGennaro, PE, Principal Engineer.
18. Letter from Bleakley Platt, dated June 25, 2024, signed by Lino Sciarretta

The Board reviewed the plans.

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

**Public Comments:**

Randolph Johnson, 26 Gatto Lane, held that there was improper notice of the hearing, the signs were not put up, the postings were not set to the correct height and that the old posters should have been in place. Mr. Johnson requested that a barrier be placed between the existing and proposed property. He also questioned if the emergency access would be on Gatto Lane.

Robert Arturi, 163 Gatto Lane, held that the proposed development would increase traffic and disagreed with one lane in and out of the site. He raised concerns regarding flooding and over development.

Yitzchok Lasker, 21 North Highland Avenue, raised issue with increased noise level associated with the development.

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

**Reaffirmation of SEQRA**

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

The motion to reaffirm Lead Agency was made by Michael Mandel, Vice Chairman and second by Bruce Bond and carried as follows: -Thomas Warren - Chairman, aye; Denise Lenihan, absent; Michael Mandel, aye; Andrew Andrews, absent; Lisa DeFeciani, aye; Bruce Bond, (alternate member), aye and Michael McCrory, aye, the Board reaffirmed itself Lead Agency.

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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, 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 Health, Rockland County Department of Highways, Rockland County Planning Department, 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:

- 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.

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**PB #24-27: Gatto Lane Site Plan  
Final Site Plan Approval Subject to Conditions**

**Permit #BLDG 2892-23**

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On motion by Bruce Bond and seconded by Denise Lenihan and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, absent; Michael Mandel - Vice Chairman, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member) aye; and Andrew Andrews, absent, 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."
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, the Final Site Plan is stamped and signed by the Chairman and the construction plans are reviewed and approved by the inspector.

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5. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ACABOR #24-12, Approved with Conditions, dated March 21, 2024 and PB#23-22, Preliminary Site Plan Approval Subject to Conditions, dated February 15, 2024.

6. On September 13, 2022, the Town Board granted a zone change from the R-40 Zoning District to the R-15 Zoning District and R-15 to PAC Zoning and established the following criteria;

- a) Maximum number of town home style units permitted is 36
- b) The sum \$72,000.00 is to be paid following the granting of final site development plan approval by the Town Planning Board for the PAC development and before the signing of the site plan.
- c) The Petitioner, prior to the issuance of any building permits, shall file with the Rockland County Clerk, in a form both recordable and acceptable to the Town Attorney, a covenant, which shall run with land and bind all Owners and occupants, restricting the sale, re-sale, rental and occupancy of the units within the PAC development as set forth in the TB resolution.

7. The Town of Orangetown Department of Environmental Management and Engineering (DEME) reviewed the plans and information and offered the following comments:

- 1. DEME received a revised SWPPP. A formal review shall be sent to the applicant's engineer under separate cover.
- 2. The horizontal alignment for the improvement to Gatto Lane, Along the south end of the project is still awkward. It appears that, heading west from the site, along Gatto lane, you enter a curve to right (north - centerline radius of 100 ft.) The first issue is that this curve is at different locations between the north side curb line, the middle of the road and the south side curb line. This curve should be at the same locations, not staggered. Second, heading further west, the road (curb lines) slightly shifts to left at a point, with no radius at all, again also at different locations horizontally on the north side of the road vs. the south. This is not acceptable. All horizontal changes in direction must be accomplished utilizing horizontal curves. These curves must adhere to proper engineering/ roadway design standards and the Town of Orangetown Town Code. Also, all horizontal curve information (for all curves) must be added to the drawing (e.g. PC, PI, PT, M, E, L, etc.). DEME strongly recommends that a separate Gatto Lane alignment drawing be added to the drawing set.

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**Continuation of Condition #7...**

3. The Gatto Lane profile on drawing 7 now indicates that fill shall added to the Gatto Lane R.O.W. for approximately 307 feet with depth varying between 0 and 3 feet. The 3- foot-deep fill section runs for about 75 linear feet. However, the proposed grading shown on drawing 3 does not seem to accurately reflect this work. Also, the proposed grading lines (as shown on drawing 3) do not appear to "tie" into the correct existing grading, especially on the south side of the road/ R.O.W. The applicant's engineer shall double check the existing and proposed grading lines, to ensure the grading plan matched the grading reflected in the profile. In connection with this proposed work, the SWPPP• Sequence of Construction, item 12, indicates that excavated material from the site will be used to construct and "build up" Gatto Lane. Given the amount of material needed, the possibility of organics and other material within the fill, the timing of this work, etc., the use of existing material from the site a fill material is unacceptable. DEME requires that item 4 subbase be specified as the fill material for the entire Gatto Lane improvement construction. A fill detail shall be added to the plans that includes the proper compaction/ lift requirements.

4. As previously mentioned, the proposed grading along the south side of the Gatto Lane improvement is still shown running right up to the property line to the south. Simultaneously, the soil erosional and sediment control (SESC) plan only shows a clearing limit line but no actual SESC measures in this area. First, proper SESC measures must be shown in this area to prevent any silt laden runoff from entering onto the neighboring property. Second, the drawings and SWPPP shall clearly show and explain how the regrading shall be accomplished without any men or equipment entering onto the neighboring property.

5. The proposed improvement schedule for Gatto Lane, as spelled out in item 12 of the Construction Sequence is not workable. First, the plan calls for shutting down the "south" side of Gatto Lane. Gatto lane (paved area) varies between only 10 to 15 feet wide, along the project property. There is no south or north side, it is essentially a one lane road. Second, if the south side ( or any side for that matter - i.e. the entire paved area) of Gatto lane is closed (so it can be reconstructed) AND it is essentially a one lane road, where will entering and existing traffic drive? Third, there are existing utility poles and trees immediately along the north side of Gatto Lane in the project area, where exactly will vehicles drive if Gatto Lane is closed down? Forth, and as

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mentioned in comment 3 above, the plan calls for the use of excavated material to be used as fill for the Gatto Lane improvements (filling). How will this be accomplished if the material needs to be tested prior to using it, the fill needs to be placed, the fill needs to be compacted in lifts, the road is only one lane wide, etc. As stated in comment 3, the use of existing fill material from the project site as structural fill for Gatto Lane is prohibited. Five, how and when will the existing power lines along the north side of Gatto lane be relocated WHILE also keeping the power to the existing residents along the Gatto Lane oval - east of the project property? This is not addressed in the Construction Sequence. Six, the Construction Sequence calls for utility installation in each half of Gatto Lane respectively as that half is being constructed. How will this be accomplished for the utilities that run perpendicular to the improved Gatto Lane. For all the reasons and more, the current Construction Sequence for Gatto Lane improvement is not acceptable. A more thorough plan for the proposed improvement to Gatto Lane shall be developed. It is recommended that a consultation(s) with the Orangetown Highway Department take place in developing the plan for this work, as well as this Department and emergency services before revising the Construction Sequence.

6. Drawings 2-6, 11 & the Landscape Plan shall label (using the NYSDEC Stormwater Management Design Manual [NYS-SMDM] identification names/letters/ numbers) what NYSDEC approved stormwater design features are to be utilized for stormwater purposes for this project.

7. Additional cross-sections for the proposed stormwater wetland ponds shall be added to the drawings depicting the pond drain with valving, outlet structure with openings and corresponding elevations, outlet piping, emergency spillways, etc.

8. The plan views of the proposed stormwater ponds on drawings 3, 4, 11, & 12 show two separate lines running under each stormwater basin connected to each outlet structure. These are labeled as RP (reverse pipe) and UD (underdrain.) These pipes are depicted as having bends. Plus, the pipe labeled as UD appears to split into two branches. This layout does not conform to the NYS-SMDM. The piping shall be redesigned to be singular, running "straight" (no bends) into the outlet structures and shall start somewhere in the middle of the micro-pool.

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**Continuation of Condition #7...**

9. SWPPP - Appendix F, Maintenance Required Elements, Response to bullet point I (page F-5)- States that the developer will initially be responsible for the stormwater pond and its buffer. Then at some point, the responsibility will be turned over to a home owners association. The applicant/ applicant's engineer is reminded that DEME must be officially notified when the ownership/ responsibility changes. Also, a copy of the Home Owners association documents/ Bylaws shall be submitted to the Town of Orangetown Town Attorney's office and DEME for review and approval, prior to the issuance of the MS4 acceptance certification of the SWPPP.

10. The outlet structure detail on drawing 13 shows the proposed reverse piping invert to be about 5'-3" higher than the pond drain (UD.) The reason for the large difference in elevation shall be clearly explained within the SWPPP.

11. The maintenance access paths for the stormwater basins shall be labeled on the plan views on drawings 3, 4, 11 & 12.

12. The extraneous proposed field inlet on neighboring 68.07-2-2 has been removed. The existing field inlet on that property is shown to be remaining but the catch basin it is currently connected to will be removed as part of the Gatto Lane Improvement. However, the drawings do not show the existing inlet being tied into the new drainage system. The drawings shall be revised to show this existing field inlet being tied into the new drainage system. This may require removal of the original piping and installation of new piping to the new catch basin CB 17. A profile for this line shall be added to the drawings.

13. Plan views, profile views and details (connections, etc.) for the proposed 30-inch & 24-inch (parallel) perforated pipe systems shall be added to the plans. All top and invert elevations shall be provided.

14. The proposed 30-foot wide emergency access easement, to the Town of Orangetown, is labeled as 24-foot wide on drawing 2. The metes and bounds for this easement (along with all other easements and dedications) shall be provided on the drawings. A written description for this easement shall be submitted to the Town of Orangetown Town Attorney's Office, the Orangetown Highway Department and DEME for review and approval. This agreement must clearly spell out all the logistics relating to the opening and closing of this the emergency access.

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15. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to DEME and the Town of Orangetown Town Attorney's Office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with cell phone number, yearly report to be submitted to DEME, etc.
  
16. As previously requested, the Town of Orangetown Town code has no provisions for any road/ driveway/ emergency access path entering onto an existing road in the middle of the curve, as the current emergency access road is currently shown entering onto Grotke Road. The design must be reviewed and approved by the Town of Orangetown Superintendent of Highways in writing, as well as the Town of Orangetown Town Attorney's office.
  
17. Sanitary calculations for the proposed site are under review by DEME.
  
18. Sanitary Sewer Note #5, drawing 3, shall be revised as follows" ... rim elevation, an exterior a check valve will..." The applicant/ applicants engineer is advised that the installation of private sanitary house connection check valve is not a requirement within the Orangetown Town Code.
  
19. A written description for the proposed utility easement to benefit the Town of Orangetown Sewer Department and Veolia Water Company shall be submitted to the Town of Orangetown Town Attorney's office and DEME for review and approval.
  
20. Copies of all correspondence (including any and all approvals) with the New York State Department of Environmental Conservation, U.S. Army Corps. of Engineers, the Rockland County Drainage Agency, etc., in connection with this proposed subdivision, shall be supplied to the Town of Orangetown Planning Board and DEME, prior to signing the map.

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**8. Drainage Review – Colliers Engineering and Design**

The following comments represent the professional opinion and judgment of Colliers Engineering and Design, but may not necessarily, in all cases, reflect the opinion of the Town of Orangetown Planning Board. Overall, the proposed stormwater management plan meets the intent of the regulations, and therefore the Drainage Consultant recommends the Gatto Lane PAC Site Plan be approved for drainage subject to the following project comments.

**Project Comments:**

Please note that this review is of the existing and proposed drainage only and as such, below is a list of comments with respect to the drainage design ONLY: Please provide written responses to the above comments with the next submission indicating how each comment has been addressed.

1. The plan shows inverts out of each OCS structure at 397.40, while the OCS details each show the 18" outlet pipe invert at 393.5. Please confirm which is correct and revise as necessary.
2. The proposed grading is creating a low point in the southwest corner of adjacent lot 68.07-2-2 to the east. Please confirm that the drop inlet (rim 397.1) will remain, and please confirm and show on the plan if that inlet will be connected to CB 17.
3. Additional spot shots shall be provided in Gatto Lane to show there is an adequate slope along the southern curb line between CB 28 (Rim 403.12) and CB 21C (402.73).
4. There appears to be some discrepancies with the contours in Gatto Lane and how they tie into existing grade, particularly the 400 contours. Please review the proposed grading in/around Gatto Lane and revise as necessary.
5. Please review and confirm all pipe inverts in and out of DMH 6C, as well as the slope of the pipe downstream of 6C. It appears the pipe slopes down to invert 403.43, which is below the invert of the east infiltration pipes that it is connecting into. Additionally, the plan symbol shows structure 6C as a manhole, but the plan label says catch basin. Please confirm.
6. The invert out of FI-4 shown on the plan does not match what is shown on the profile. Please confirm and revise as necessary.
7. The rim elevation of CB 19 (399.02) is only a few feet away from the 400 contour, creating a ±33% slope in the road. Please review and revise contours or CB as necessary.
8. The rim elevations of CB-10 and CB-11 are both just below elevation 424 but are located between the 424 and 426 contours on the plan. Please revise as necessary.

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**Continuation of Condition #8...**

9. There is an errant 405.5 spot shot between the 402 and 403 contours in the southwest corner of the east basin. Please revise/relocate for clarity.
10. Please add missing invert labels to the following structures:
  - CB-21B (plan and profiles)
  - FI-5 (plan and profile)
  - CB 6A (plan and profile)
11. The applicant has indicated that infiltration testing shall be done prior to the Planning Board Chairman's endorsement. This would be atypical as the results of the testing could end up modifying the drainage design quite considerably and therefore is more common as a condition to be satisfied prior to Final Site Plan Approval. Ultimately it is the Planning Board's decision, but this would be the Drainage Consultant recommendation.

**9. The Town of Orangetown Highway Department provided the following comments:**

- The Emergency Access Road on Grotke Road will be maintained by way of an agreement between the Toll Brothers and Home Owners Association or by another legal document.
- Bollards and chain proposed to control emergency ingress and egress to the proposed emergency road shall be located on private property. The plan presently indicates it will be installed in the Town Road Right of Way.

**10. The applicant's attorney has provided previously requested documentation demonstrating that Gatto lane, within the Village of Chestnut Ridge, is a public road. The applicant's attorney also provided documentation demonstrating that the Village of Chestnut Ridge denied the applicant's request to improve/ widen Gatto Lane within the Village. Gatto Lane shall be labeled as a public road on the drawings, within the Village of Chestnut Ridge.**

**11. In the Town of Orangetown Town of Orangetown Parks and Recreation Department letter dated June 26, 2024, the Department recommended to the Planning Board to waive the requirement for reservation of parkland and condition approval on the payment of \$182,300.00 in Lieu of Parkland.**

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

- An updated review of the April 14, 2024 site plan must be completed by the Rockland County Department of Health and all concerns addressed.
- An updated review of the April 14, 2024 site plan must be completed by the Rockland County Sewer District No.1 and the Sewer District shall be satisfied with the responses from Brooker Engineering in their letter of December 19, 2023.
- The Narrative Response from Brooker Engineering dated April 30, 2024 indicates that the applicant has shown compliance with comments from the Town of Orangetown Fire Inspector. The Orangetown Fire Inspector must be satisfied that the proposal is compliant. In addition, the County of Rockland Office of Fire and Emergency Services or the Pearl River Fire District shall be given the opportunity to review the Preliminary Fire Truck Maneuverability Plan to ensure that the site is designed in a safe manner and there is sufficient maneuverability on the site for emergency vehicles.
- The previously provided December 11, 2023 letter from DEME acknowledges that the Village of Chestnut Ridge has denied the applicant's request to widen Gatto Lane within the Village. The applicant must satisfy all other comments provided by DEME.
- Prior to the start of construction or grading, all soil and erosion control measures must be in place for this steep site. These measures must meet the latest edition (November 2016) of the NYS Standards 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 most recent Stormwater Pollution Prevention Plan (SWPPP), revised June 16, 2023, must conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances. Furthermore, the Town must be satisfied that the site's stormwater management system is adequately designed so that water flow does not impact Gatto Lane or nearby properties.
- For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.
- 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 Villages, Towns, and County with an adequate supply of water. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.

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- The Planning Board shall be satisfied that the proposal meets the additional requirements for the PAC floating zone outlined in Section 4.610 of the Town of Orangetown Zoning Code.
- Pursuant to New York State General Municipal Law (GML), section 239-n, if any of the conditions of the GLM review are overridden by the Board, then the local land use board must file a report with the County's Commission of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.
- In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County agencies are prohibited from issuing a County permit, license, or approval until the report is filed with the County's Commissioner of Planning. The applicant must provide to any County Agency which has jurisdiction of the project: 1) a copy of the Commissioner's

**13.** The Rockland County Department of Health (RCDOH) reviewed the information and offered the following comment;

- Application is to be made to the RCDOH for sanitary sewer extension approval. Sewer capacity analysis is to be included.
- Application is to be made to the RCDOH for water main extension approval.
- Application is to be made to RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.
- In accordance with Article 13.8.1 of the Rockland County Sanitary Code, all multiple dwellings with three (3) or more rental units and all rooming houses must register and obtain a Multiple Dwelling Rental Certificate from RCDOH Rockland Codes Initiative (RCI) prior to occupancy.

**14.** Veolia Water is in receipt of the review of the information and provided the following comments:

- The 1.5-inch services are oversized for what the applicant is building. Also, a 1.5-inch services would require a hot box.
- A more appropriate service would be ¾ or 1-inch meter in a meter pit, pressure reducing valve will be required.

**15.** The Rockland County Sewer District No. 1 reviewed the site plan and provided the following comments:

- The continuation of the District's 14-inch cast iron sanitary force main has been added to the updated drawing set (drawings 3,11 and 16)
- The Rockland County Sewer District No.1 "Utility Crossing Detail" for utility crossings has been added to the updated drawing set (drawing 14).
- The District takes no exception to the drawings submitted.

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**16.** Orange and Rockland Utilities reviewed the submitted information and offered the following comments:

The proposed work along Grotke Road may be in conflict with the existing gas main. Please contact O&R's new business department for any gas tie ins. All code 753 rules must be followed.

**17.** 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.

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

**19.** 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.

**20. 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:

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- 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.

**21.** 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.

**22.** 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.

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

**24.** 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 change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Federal Wetlands - U.S. Army Corps of Engineers).

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

26. 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

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

**Overrides**

The Board made motions to override Comments #4 and #12 of the May 23, 2024 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

- “#4. The Village of Chestnut Ridge is the reason this proposal was referred to DEME for review. The municipal boundary is adjacent to the western property line of the site. The Village of Chestnut Ridge Planning Board previously reviewed the September 20, 2023 site plan at their meeting of December 4, 2023 and offered several comments regarding this proposal, primary with regards to traffic. The Village of Chestnut Ridge shall be given the opportunity to review April 14, 2024 site plan and all comments shall be addressed.”

The Board held that the Town of Orangetown provided the Village of Chestnut Ridge the opportunity to review the site plan and took its comments into consideration. The Board noted that the applicant’s letter from Brooker Engineering dated July 9, 2024 satisfied the requests from the Village.

A motion to override the condition was made and moved by Bruce Bond and seconded by Michael Mandel, Vice Chairman and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, absent; Michael Mandel, aye; Andrew Andrews, absent; Lisa DeFeciani, aye; Bruce Bond, (alternate member), aye and Michael McCrory, absent.

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- “#12. Pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1, all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC). If this proposed “multifamily dwelling meets the requirements of the Multiple Dwelling Rental Registry requirement, then the owner must register and obtain the MDRC. Failure to comply is a violation of Article XIII, which may result in penalties of \$2,000.00 per day.”

The Board held that the condition is not applicable to the Gatto Lane development, since the Rockland County Sanitary Code, Article XIII, Section 13.8.1, only relates to all multiple dwellings with three or more RENTAL units. The proposed development would be a Condominium development.

A motion to override the condition was made and moved by Bruce Bond and seconded by Michael Mandel, Vice Chairman and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, absent; Michael Mandel, aye; Andrew Andrews, absent; Lisa DeFeciani, aye; Bruce Bond, (alternate member), aye and Michael McCrory, absent.

The foregoing Resolution was made and moved by Michael McCrory and seconded Michael Mandel - Vice Chairman and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, absent; Michael Mandel – Vice Chairman, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), aye; and Andrew Andrews, absent.

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: July 10, 2024

Cheryl Coopersmith, Town of Orangetown Planning Board



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**PB #24-28: South Corner Site Plan  
Reapproval and Amendment to  
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**TO: Ryan Nasher, 232 North Main Street, New City, New York 10956  
FROM: Orangetown Planning Board**

**RE: South Corner Plaza Site Plan:** The application of Hassan Samini, owner, for Reapproval and Amendment to Final Site Plan Review; PB #23-01, dated January 11, 2023 at a site to be known as “**South Corner Plaza Site Plan Reapproval**”, 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 on the East side of Route 303, at the intersection of Route 340, at 2 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 47 in the CC zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 10, 2024** which time the Board made the following determinations:

Donald Brenner and Ryan Nasser appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated June 12, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, Director dated June 21, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 25, 2024.
4. Interdepartmental memorandums from the Bureau of Fire Prevention, signed by David Majewski, Chief Fire Inspector, dated June 10, 2024.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated June 19, 2024.
6. Letter and notice from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated June 26, 2024.
7. Letter from the Rockland County Drainage Agency, signed by Shajan Thottakara, PE, dated June 21, 2024.
8. Narrative response to comments prepared by Atzl, Nasher & Zigler, dated February 15, 2024.
9. Copies of prior Planning Board Decisions: PB #23-01: South Corner Plaza Final Site Plan Approval Subject to Conditions, dated January 11, 2023  
ZBA #22-63, Rear Yard, Building Height, Section 6.4 Number of Loading Berths and Section 13.10 B (1) and B (10) Variances Approved, dated September 21, 2022, ACABOR #22-55, Approved with Conditions, dated October 6, 2022; and PB #17-37, Preliminary Site Plan Approval Subject to Conditions, dated July 13, 2022.

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10. Site Plans prepared by Atzl, Nasher & Zigler Engineers, dated August 5, 2021 unless noted, all sheets last revised March 26, 2024:

- Site Plan
- Existing Conditions
- Grading Plan
- Green Roof, dated July 10, 2023
- Floodwater Storage Plan, dated July 10, 2021
- Sparkill Creek Plan Profile
- Cross Sections Profile view and Plan
- Cross Sections Profile View Plan
- Erosion & Sediment Control Plan
- 10 Details
- Guard Rail Detail
- Detail, dated September 18, 2023
- Lighting Plan
- Lighting Plan
- Truck Turning Radius Plan
- NYSDOT Plan, dated July 10, 2021
- NYSDOT Work Zone Plan
- Landscape Plan, prepared by Daniel Sherman, dated August 5, 2021, last revised July 10, 2023
- Bridge Framing Plan, dated September 27, 2022
- Bridge and Wall Detail, dated September 27, 2022
- Storage Tank Structural Detail, dated September 18, 2023

11. Stormwater Management Design Report prepared by Atzl, Nasher & Zigler, dated March 26, 2024.

The Board reviewed the plan.

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

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**Public Comment:**

Vanessa Lappin, 659 Western Highway, Orangeburg, raised concerns regarding the impact to the flood plain area.

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

**Reaffirmation of SEQRA**

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (al) 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.

The motion to reaffirm Lead Agency was made by Michael Mandel - Vice Chairman and second by Bruce Bond and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, absent; Michael Mandel - vice Chairman, aye; Andrew Andrews, absent; Lisa DeFeciani, aye; Bruce Bond, (alternate member), aye and Michael McCrory, absent, the Board declared itself Lead Agency.

**DECISION:** In view of the foregoing and the testimony before the Board, the application was granted **Reapproval and Amendment to Final Site Plan Review; PB #23-01, dated January 11, 2023 Subject to Conditions 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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2. The following note shall be placed on the Site Plan: 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. A Floodplain development permit must be submitted along with a letter from the engineer of record certifying that all construction and site development is in compliance with The Town of Orangetown floodplain regulations and FEMA regulations.
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, the Final Site Plan is stamped by the Planning Board and the construction plans are reviewed and approved by the Building Inspector.
5. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: Copies of prior Planning Board Decisions: PB #23-01: South Corner Plaza Final Site Plan Approval Subject to Conditions, dated January 11, 2023; ZBA #22-63, Rear Yard, Building Height, Section 6.4 Number of Loading Berths and Section 13.10 B (1) and B (10) Variances Approved, dated September 21, 2022, ACABOR #22-55, Approved with Conditions, dated October 6, 2022; and PB #17-37, Preliminary Site Plan Approval Subject to Conditions, dated July 13, 2022.
6. The applicant shall comply will all comments provided by the Town of Orangetown Department of Environmental Management and Engineering, the Planning Board's Drainage Consultant ad the Town Floodplain Administer, prior to signing/stamping the Site Plan.
7. DEME had no objection to the Reapproval and Amendment to the South Corner Site Plan with the following conditions:
  - a. The Stormwater Management System Inspection and Maintenance Schedule (page 6 of the Post Construction Stormwater Management Agreement (PC-SWMA)- Appendix B of the *Stormwater Management Design Report*) shall be amended to reference the Flood Storage Vault Operation and Maintenance Plan (Appendix I of the *Stormwater Management Design Report*) AND include the proviso that the Flood Storage Vault (and pumping system) must be inspected after any rainfall of 4.5 inches (or greater) in a 24 hour period.
  - b. The Floodwater Storage Take System Inspection and Maintenance checklist (of the PC-SWMA) shall be revised to include items for the inspection of the storage tank submersible pumping system vault including but not limited to; pumps, piping, pump controls, emergency power, etc.)

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**Continuation of Condition #7...**

- c. Page 6 of the Flood Storage Vault Operation and Maintenance Plan shall be revised to state that a pump vault has been designed to assist in the dewatering of the flood storage vault. This vault system includes two pumps (a duty pump as well as a backup pump), piping, pump controls, emergency power, etc.
- d. Revised sanitary calculations are still needed for review and approval.

**8. The Town of Orangetown Fire Prevention Bureau had the following comments:**

**Construction plans shall include the following information. Please this information as notes on the Site Plan**

- Installation of a NFPA 13 compliant Fire Sprinkler system,
- Installation of a Fire Alarm System to the NFPA standard,
- Installation of Key Lock Box, and
- Fire resistant rated exterior walls are required for buildings less than 5' from the lot line. Resistance rating is based on proposed occupancy.

**9. Drainage Review Recommendation**

The application has demonstrated that potential significant impacts with respect to increase in stormwater runoff can be mitigated, therefore the Drainage Consultant, Brooker Engineering, recommends approval for drainage subject to the following Project Comments:

**Project Description**

This is the sixth drainage review report for this project; the last review was dated December 5, 2023. The site is located at the southeast corner of the intersection of Route 303 and Route 340. The Sparkill Creek flows south through the site, and the site is completely encumbered by the 100-year floodplain of the Sparkill Creek. Portions of the site contain the Sparkill Creek floodway.

The application consists of the removal of two existing residential structures and construction of a new 10,390 SF building with a 52-space parking lot. A new entrance will be provided along Route 303 by adding a culvert over the Sparkill Creek.

For the July 2022 submission, the first-floor elevation was lowered to elevation from elevation 75.0 NAVD to elevation 73.5 NAVD, which is at or below the floodplain elevation at the northern portion of the site, just downstream of Route 340. We note the Flood Insurance Study shows Route 340 overtopping which is also supported by historical observation.

The application notes the building is to be dry floodproofed to elevation 76.35 and provides a detail for dry floodproofing of the doors only.

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

The Local Floodplain Administrator should comment if the lowered first floor elevation of the structure for this submission and proposed dry floodproofing methods meet local and federal code requirements. The Flood Operation Report should be reviewed and made part of the Local Floodplain Development Permit.

For this submission, structural calculations designed and certified by a professional engineer have been provided in Appendix G of the Stormwater Management Design Report dated March 26, 2024 that demonstrate the foundation walls can withstand the hydrostatic loading in the dry floodproofing situation.

**Project Comments**

1. Reference the date and firm responsible for preparation of the Flood Operation Report on Map Note 33 on Drawing 1 of the Site Plan.
2. Section 3-3 shows the proposed bridge abutment within the floodway; coordinate this Section with the Layout Plan, which shows the abutment outside the floodway. Show the span dimension between abutment faces.
3. As per the December 5, 2023 drainage review letter, show the bridge abutments and dimension between the abutments on Drawing 3.
4. As per the December 5, 2023, January 3, 2023 and July 13, 2022 drainage review reports, add water surface elevation contours within the proposed floodplain delineation.
5. As per the December 5, 2023 and January 3, 2023 drainage review report, provide the hydraulic calculations for existing and proposed conditions for the Sparkill Creek; the summary of results is contained in Appendix H of the Drainage Report.
6. As per the December 5, 2023 drainage review report, correct the floodplain delineation on the Grading Plan; the delineation does not accurately reflect the water surface elevation over the road.
7. As per the December 3, 2023 drainage review report, the application shows basement storage as counting toward floodplain storage. The plans shall show how this area is effective flow area for the floodplain and not merely dead storage that is largely filled with water when the peak stage of the Sparkill Creek occurs.
8. Appendix G of the Stormwater Management Design Report shall be expanded to include previously submitted information that demonstrates the door opening flood covers can withstand the applicable hydrostatic forces.
9. As per previous discussions with the applicant's engineer, provide calculations that the floor slab can withstand hydrostatic uplift forces. Include a narrative and design (if necessary) that any interior openings to the basement are incorporated into the dry floodproofing plan. If no interior openings to the basement are proposed, add a map note indicating this.

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10. The Rockland County Planning Department reviewed the plans and information and offered the following comments:

- With exception to those provisions for which the applicant has received a variance, the Town shall be satisfied that the proposed site plan is compliant with all applicable provisions of the Route 303 Overlay Zone, outlined in Article XIII, Section 13.10B. of the Orangetown Zoning Code.
- The west side of the property encroaches into the Sparkill Creek and almost the entire site is within the 100-year floodplain of the creek. As previously stated, this application was submitted to address the concerns of the Rockland County Drainage Agency. An updated review of the March 26, 2024 site plan must be completed by the Rockland County Drainage Agency to ensure that all concerns are addressed, and all required permits must be obtained.
- 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 the Federal Emergency Management Agency.
- An updated review of the March 26, 2024 site plan must be completed by the New York State Department of Transportation (NYSDOT) and all concerns addressed.
- Since the proposed parking area encroaches into the federally regulated wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.
- If the US Army Corps 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. Issuance of these certifications is delegated in New York State to DEC. 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 Blanket WQCs, please visit <https://www.dec.ny.gov/permits/6546.html>. determination on Corps jurisdiction and Nationwide Permit eligibility is likely necessary for a DEC jurisdictional determination.
- An updated review of the March 26, 2024 site plan must be completed by the Rockland County Sewer District No. 1 and all outstanding concerns addressed.

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**Continuation of Condition #10...**

- An updated review of the March 26, 2024 site plan must be completed by the Rockland County Department of Health and all outstanding concerns addressed. In addition, an application is to be made to the Rockland County Department of Health for review of compliance with the County Mosquito Code.
- 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.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.
- 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.
- It is recommended 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 them 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 waterbodies. 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: <https://dec.ny.gov/get-involved/living-green/sustainable-landscaping>
- The Planning Board shall be satisfied that the snow removal areas proposed provide sufficient snow storage area for a parking lot of this size. Due to the location of the Sparkill Creek, de-icing alternatives should be explored, and the use of salt should be minimized.

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2024 JUL 31 4 11:24  
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**Continuation of Condition #10...**

- Retaining walls 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.
- All proposed signage shall conform to the sign ordinance in Chapter 31C of the Orangetown Code.
- Pursuant to New York State General Municipal Law (GML) Sections 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County's Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.
- In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County agencies are prohibited from issuing a County permit, license, or approval until the report is filed with the County's Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner's report approving the proposed action or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

**11.** The Rockland County Department of Health (RCDOH) reviewed the submitted information and offered the following:

- Application is to be made to the RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.

**12.** The Rockland County Sewer District No. 1 (District) reviewed the submitted information and provided the following information:

(1). The District owns and maintains a 42-inch sewer main in an easement on the property.

- a. No permanent structures may be built within the Sewer District easement.
- b. Drawing No. 3 (Grading Plan) shows a 10-inch HDPE roof drain that will cross the District's easement. The Contractors must obtain required insurance and sign a waiver to defend, indemnify, save and hold harmless both the County of Rockland and Rockland County Sewer District No. 1 from any claims arising from work performed within its easements.

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**Continuation of Condition #12...**

c. When the foundation work or other types of major excavation work is to be done within close proximity to the easement boundary, the District must be notified two (2) working days in advance. Shoring or other types of precautions may be needed to protect the sewer main. The property owner must also pay these expenses.

d. To prevent any damage from occurring to the existing main, the District must be notified when the land within the easement is to be modified. This includes but is not limited to regrading, raising or lowering of manhole frames, or working in close proximity to sewers and manholes within the easement. The District must approve any construction to be done with its easement.

(2). All permits, fees and inspections associated with raising manhole frames on the 42-inch sanitary sewer main are the responsibility of the District. According to the Grading Plan, at least one manhole frame will have to be raised. A permit must be obtained from the District prior to starting the work. This will require approval of the details for raising the manhole frames, submittal of the County Planning Information Certification, and all necessary insurance, bonds, indemnification, and permit fees.

(3). The engineer will have to verify that the District's 42-inch sewer main in the easement and 54-inch sewer main along the property line are not within the zone of influence of the foundation of the proposed structure. If they are, necessary design precautions must be done to protect the sewer.

a. The engineer's correspondence to the Planning Board dated December 1, 2022, in response to the District's comment about the zone of influence states, "The test note shows the elevation of the ground water is  $\pm 62.0$ . The bottom of the foundation is at  $\pm 64.5$ , which is above the ground water level. No zone of influence expected during the foundation excavation."

(4). The Grading Plan shows that the sanitary sewer connection from the proposed building will tie into the District's 42-inch PCCP sewer main, which is mislabeled as 24-inch RCP to the right of the location of the proposed connection. **The engineer must make the connection to the 24-inch RCP Orangetown sewer main that runs through the property.**

(5). If the existing house connections are hooked up to the District's sewer, they must be plugged within the sewer easement with a permanent watertight plug or cap encased in concrete.

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**13.** Orange and Rockland Utilities (O&R) reviewed the submitted information and offered the following comment:

- The proposed work may be in conflict with the existing gas facilities along Route 304. All code 753 rules must be followed.

**14.** Rockland County Drainage Agency received the applications application and gave the Permit Application No 21-24. Instructions for submittal of the permit was provided to the applicant.

**15.** The New York State Division of Historic Preservation, NYS Office of Parks, Recreation and Historic Preservation (OPRHP), offered the following comment: Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

**16.** 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:** The following stream/pond/waterbody is located within or near the site indicated: Sparkill Creek, Class C(T), DEC Water Index Number: H-13, Status: Protected. A Protection of Water permit is required to physically disturb the bed or banks (up to 50 feet from stream) of any streams identified above as "protected." An application for Stream Disturbance permit was originally submitted in 2010, DEC Permit ID# 3-3924-00426/00001, South Corner Plaza, was withdrawn in 2014 for incompleteness. Therefore, the project sponsor must submit a new joint application form and project plans for the proposed driveway and stormwater outfalls on the bank. By copy of this letter, the project sponsor is made aware of this requirement. 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.

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**Continuation of Condition #16...**

- **Freshwater Wetlands:** The project site is not within a New York State protected Freshwater Wetlands. However, please contact the US. Army Corps of Engineers in New York city for any permitting they might require. If a permit pursuant to Section 404 of the Clean Water Act is required by the Army Corp of Engineers, the project sponsor will also require a Water Quality Certification pursuant to Section 401 of the Clean Water Act issuance of these certifications in NYS has been delegated to the DEC.
- **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.
- **State – Listed Species:** No records of sensitive resources were identified by this review. The absence of data does not necessarily mean that rare or state listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, the files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. DEC cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.
- **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).
- **State Pollutant Discharge Elimination System (SPDES):** If the overall project will disturb over one acre of land, the project sponsor must obtain coverage under the current SPDES General Permit (GP-0-15-002) for Stormwater Discharge from Construction Activity, and a Stormwater Pollution Prevention Plan (SWPPP) must be developed which conforms to requirements of the General Permit. As this site is within a Municipal Separate Storm Sewer System (MS4) community, the Stormwater Pollution Prevention Plan (SWPPP) must be reviewed and accepted by the municipality and the MS4 Acceptance Form submitted with the SWPPP and the application for coverage, in accordance with the application instructions.

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- 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.

**17.** All landscaping shown on the 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.

**18.** 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.

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

**20.** 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).

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

**22.** 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

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

**24.** The applicant shall comply with all pertinent and applicable items in the Guide to the Preparation of Site Plans, prior to signing the final plans.

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

**26.** The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ZBA #22-63, Rear Yard, Building Height, Section 6.4 Number of Loading Berths and Section 13.10 B (1) and B (10) Variances Approved, dated September 21, 2022, ACABOR #22-55, Approved with Conditions, dated October 6, 2022; and PB #17-37, Preliminary Site Plan Approval Subject to Conditions, dated July 13, 2022.

**Overrides**

The Board made motions to override Conditions #1, #2, an #3 of the June 26, 2024 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

**“#1.** The proposed project is an overdevelopment of the site and the application should not be approved based on the site’s environmental constraints. As pointed out, these constraints have not been adequately addressed. The site is almost fully within the 100-year floodplain, contains the regulated floodway, is fully within the riparian buffer of the Sparkill Creek, and contains federally regulated wetlands. The site plan must be denied and the proposal reduced in size to lessen the environmental impact.”

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The Board held that the applicant was granted variances from the Town of Orangetown Zoning Board of Appeals, this comment is not applicable and as written on page 17 of PB #23-01, Final Site Plan Approval Subject to Conditions January 11, 2023.

A motion to override the condition was made and moved by Michael Mandel, Vice Chairman and seconded by Bruce Bond and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, absent; Michael Mandel, Vice Chairman, aye; Andrew Andrews, absent; Lisa DeFeciani, aye; Bruce bond, (alternate member), aye and Michael McCrory, aye.

**#2.** The west side of the property encroaches into the Sparkill Creek and is one of the reasons for our review of the proposal. 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 (TMDL). The pollutants identified are fecal coliform and oxygen demand. The suspected source of pollution is urban/stormwater runoff. The significant increase of impervious surfaces in close proximity to the Sparkill Creek will exacerbate downstream flooding and adversely impact the area's ability to handle increase frequency of intense storms. The site plan must be denied and the proposal must be decreased in scale."

The Board held that the applicant was granted variances from the Town of Orangetown Zoning Board of Appeals, this comment is not applicable and as written on page 17 of PB #23-01, Final Site Plan Approval Subject to Conditions January 11, 2023.

A motion to override the condition was made and moved by Michael Mandel, Vice Chairman and seconded by Bruce Bond and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, absent; Michael Mandel, Vice Chairman, aye; Andrew Andrews, absent; Lisa DeFeciani, aye; Bruce bond, (alternate member), aye and Michael McCrory, aye.

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**Overrides Continue....**

- “#3. In addition, New York Natural Heritage Program’s (NHP) database, as reflected on the Hudson Valley Natural Resources Mapper indicates that the entire 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 habitat, and often serve as wildlife travel corridors. The Planning Board must consider the impact of additional structures and impervious surfaces in the riparian buffer and the potential degradation of water quality and intensification of localized flooding before approving site plans. The application must be denied and the size of the development reduced.”

The Board held that the applicant was granted variances from the Town of Orangetown Zoning Board of Appeals, this comment is not applicable and as written on page 18 of PB #23-01, Final Site Plan Approval Subject to Conditions January 11, 2023.

A motion to override the condition was made and moved by Michael Mandel, Vice Chairman and seconded by Bruce Bond and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, absent; Michael Mandel, Vice Chairman, aye; Andrew Andrews, absent; Lisa DeFeciani, aye; Bruce bond, (alternate member), aye and Michael McCrory, aye.

The foregoing Resolution was made and moved by Michael Mandel, Vice Chairman and Bruce Bond seconded and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, absent; Michael Mandel- Vice Chairman, aye; Lisa DeFeciani, aye; Michael McCrory, aye; and Andrew Andrews, absent, Bruce bond, (alternate member) 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: July 10, 2024**  
Town of Orangetown Planning Board



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PB #24-29:

Permit BLDR #504-22

Noonan's Backyard Dining Area Plan

Amendment to PB #23-49

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

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

RE: **Noonan's Backyard Dining Area Plan Amendment:** The application of Larry Vergine, applicant, for D & B No. 2, owner, for **Noonan's Backyard Dining Area Plan Amendment to Prepreliminary Site Plan Approval dated April 24, 2024, PB#23-49** ", 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 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 **July 10, 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. Copy of PB #23-49: Noonan's Backyard Dining Area Plan Preliminary Site Plan Approval Subject to Conditions / Neg. Dec., dated April 24, 2024.
2. Letter from Donald Brenner, dated May 20, 2024.
3. Copy of an Email to Donald Brenner from Cheryl Coopersmith, Town of Orangetown Planning Board, dated June 18, 2024.
4. Request for ACABOR Waiver letter from Donald Brenner, undated.

**The Board reviewed the request to Amend Condition #5(6) of PB#23-49, and remove the condition of seeking review and approval by the Town of Orangetown Architecture and Community Appearance Board of Review:**

**DELETE CONDITION #5(6)**

"5. The Town of Orangetown Office of Building Zoning Planning Administration and Enforcement reviewed the information and provided the following comments:

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."

The hearing was then opened to the Public.

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

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PB #24-29:

Permit BLDR #504-22

Noonan's Backyard Dining Area Plan

Amendment to PB #23-49

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

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

**DECISION:** In view of the foregoing and the testimony before the Board, the **Planning Board Deleted condition #5(6) of PB #23-49, Noonan's Backyard Dining Area Plan, Preliminary Site Plan Approval Subject to Conditions / Neg. Dec., dated April 24, 2024. All other conditions of PB #23-49 remain in effect.**

The foregoing Resolution was made and moved by Michael McCrory and seconded Bruce Bond and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, absent; Michael Mandel, Vice Chairman, nay; aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), aye; and Andrew Andrews, absent.

The Clerk to the Planning Board is hereby authorized, directed and empowered to sign this **AMENDMENT TO PB#23-49 DECISION** and file a certified copy in the Office of the Town Clerk and the Office of the Planning Board.

Dated: July 10, 2024



Town of Orangetown Planning Board

TOWN CLERK'S OFFICE

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