

TOWN OF ORANGETOWN PLANNING BOARD
Meeting of Wednesday, June 26, 2024

MEMBERS PRESENT: Thomas Warren, Chairman
Michael Mandel, Vice Chairman
Andrew Andrews
Lisa DeFeciani

MEMBER ABSENT: Michael McCrory, Bruce Bond (Alternate Member),
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 7:34 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:

622 Route 303 Resubdivision Plan Al Foxie Way	PB #23-47
Pre-preliminary/ Preliminary/ Final Resubdivision Plan Review and SEQRA Al Foxie Way, Blauvelt 65.14/1/11.2 & 11.3; LI zoning district	Preliminary and Final Resubdivision Plan Approval Subject to Conditions Neg. Dec.

80 South Williams Subdivision Plan	PB #24-10
Prepreliminary/Preliminary/Final Subdivision Plan and SEQRA Review 80 South William Street, Pearl River 68.20/2/76; RG zoning district	Continuation

New Items:

Noonan's Backyard Dining Area Plan	PB #24-29
Amendment to Prepreliminary Site Plan Approval with Conditions, dated April 24, 2024, PB#23-49 16 East Central Avenue, Pearl River 68.20/1/13 & 14; CS zoning district	Continued to July 10, 2024 Meeting

Mauro Site Plan Reapproval	PB #24-26
Critical Environmental Area Reapproval of Final Site Plan Approval, PB#22-13 1079 Route 9W, Upper Grandview 71.09/1/8; R-22 zoning district	Reapproval of Final Site Plan Approval Subject to Conditions Reaffirmation of Neg. Dec.

Gatto Lane Site Plan	PB #24-27
Final Site Plan Review Gatto Lane, Pearl River 68.07/2/1; PAC and R-22 zoning district	Continued to July 10, 2024 Meeting

South Corner Site Plan	PB #24-28
Reapproval and Amendment to Final Site Plan Review 2 Route 340, Orangeburg 74.11/2/47; CC zoning district	Continued to July 10, 2024 Meeting

TOWN CLERK'S OFFICE
2024 JUL 31 P 1:08
TOWN OF ORANGETOWN

June 26, 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 Mandel - Vice Chairman and seconded by Thomas Warren - Chairman and agreed to by all in attendance. The meeting was adjourned at 8:29 p.m. The next Planning Board meeting is scheduled for July 10, 2024.

Dated: June 26, 2024

Gerard Chesterman, Town of Orangetown Planning Board

A handwritten signature in black ink, appearing to read "Gerard Chesterman", written in a cursive style.

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**PB #23-47:
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**TO: Justin Ferrazzano, Colliers Engineering, 50 Chestnut Ridge Road,
Suite 101, Montvale, New Jersey 07645
FROM: Town of Orangetown Planning Board**

**RE: 622 Route 303 Resubdivision Plan- Al Foxie Way, a continued
item:** The application of 622 Rt 393, LLC, owner, for Pre-preliminary/
Preliminary/ Final Resubdivision Plan Review at a site to be known as "**622
Route 303 Site Plan-Al Foxie Way**", 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 21 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 on Al Foxie Way, Blauvelt, Town of Orangetown, Rockland County,
New York, and as shown on the Orangetown Tax Map as Section 65.14, Block 1,
Lot 11.2 & 11.3; LI zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held
October 25, 2023 and June 26, 2024 at which time the Board made the
following determinations:

October 25, 2023

Ronald Rieman, Sean O'Connell, Corey Robinson, and Melissa Chirubiho,
appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated October 11, 2023.
2. Interdepartmental memorandum from the Office of Building, Zoning,
Planning Administration and Enforcement, Town of Orangetown, signed
by Jane Slavin, RA, Director, dated October 19, 2023.
3. Interdepartmental memorandum from the Department of Environmental
Management and Engineering (DEME), Town of Orangetown, signed by
Bruce Peters, P.E. dated October 20, 2023.
4. Site Plan prepared by Colliers Engineering and Design, last revised
August 30, 2023:
 - Sheet Number 3 of 21: Overall Dimension Plan
5. Alta / NSPS land Title Survey, prepared by Clearpoint Surveying, DPC.,
dated February 27, 2021.

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; Michael Mandel-Vice Chairman, aye;
Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry,
absent; Tara Heidger, (alternate member), absent; and Lisa DeFeciani, aye.

Vanessa Lapins, 659 Western Highway, Blauvelt, read the comprehensive plan
regarding the warehouses and over development. She thanked the Planning
Board for their comments and thoughtful statements to the applicant.

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

The applicant requested a Continuation

June 26, 2024

Justin Ferrazzano appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated May 22, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, Director, dated May 20, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated June 11, 2024.
4. Lot Consolidation Plan prepared by Clearpoint Surveying, DPC., last revised on June 18, 2024.

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

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

- 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;

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- 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, absent; Michael Mandel – Vice Chairman, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond, (alternate member), absent; and Andrew Andrews, aye; the Board made a Negative Declaration pursuant to SEQRA.

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

1. The following note shall be placed on the Resubdivision 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 Resubdivision 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.

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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 Town of Orangetown Office of Building Zoning Planning Administration and Enforcement reviewed the information and provided the following comment:
 - As per previous review letter, the applicant **MUST** submit signed and sealed **full size plans**.
5. The Town Orangetown Department of Environmental Management and Engineering reviewed the submitted information and provided the following comments:
 - A separate / labeled Subdivision drawing shall be submitted for review.
 - The ownership and metes & bounds of all existing easements and dedications shall be labeled on the plan.
 - Iron pins shall be **drawn** and labeled at all corners of the lot.
6. The applicant shall comply with all pertinent items in the Guide to the Preparation of Resubdivision Plans and Board Decision prior to signing the final plans.
7. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Resubdivision Plan.
8. 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.
9. 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 §21. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Subdivision Plan Approval pursuant to Town Code §21 and §6A.

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- 10. TREE PROTECTION:** The following note shall be placed on the Resubdivision 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 preserve 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.
- 11.** All landscaping shown on the Resubdivision Plan shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.
- 12.** Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.

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13. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
14. 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).
15. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
16. 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.
17. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

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

- Town of Orangetown Zoning Board of Appeals
- Rockland County Department of Planning
- Rockland County Department of Highways

The foregoing Resolution was made and moved by Michael Mandel, Vice Chairman and seconded Andrew Andrews and carried as follows:
Thomas Warren – Chairman, aye; Denise Lenihan, absent; Michael Mandel, Vice Chairman, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond, (alternate member), absent; 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: June 26, 2024

Gerard Chesterman, Town of Orangetown Planning Board



TOWN OF ORANGETOWN PLANNING BOARD

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TOWN OF ORANGETOWN PLANNING BOARD

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

**PB #23-47:
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NAME OF ACTION: 622 Route 303 Resubdivision Plan At Foxie Way

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

**DESCRIPTION OF ACTION: Preliminary Final and Resubdivision Plan
Review**

LOCATION: 622 Route 303, Blauvelt, New York 10913

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

2024 JUL 31 PM 4:08

TOWN OF ORANGETOWN

PB #24-26

Permit #51183

**Mauro Site Plan Reapproval
Reapproval of Final Site Plan Approval PB #22-13,
Subject to Conditions
Reaffirmation of Neg. Dec.**

**Town of Orangetown Planning Board Decision
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**TO: Michael Mauro, 1079 Route 9W, South Nyack, New York 10960
FROM: Orangetown Planning Board**

RE: Mauro Site Plan – Critical Environmental Area: The application of Michael Mauro, owner, for Reapproval of Final Site Plan Approval, PB #22-13, at a site known as “**Mauro 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 1079 Route 9W, South Nyack in the Critical Environmental Area, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 8 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **June 26, 2024** at which time the Board made the following determinations:

Michael Mauro 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, signed by Jane Slavin, Director, 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 26, 2024.
4. Interdepartmental memorandum from the Fire Prevention Bureau, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated June 10, 2024.
5. Letters from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated June 24, 2024 and January 10, 2024.
6. Letter from applicant Michael and Anne Mauro, dated June 12, 2024
7. Email from Michael N. Moore and Kathryn Mills, dated June 19, 2024.
8. Dry Well Design prepared by AFR Engineering and Land Surveying, P.C., revised February 13, 2024.
9. Site plan prepared by AFR Engineering and Land Surveying, P.C., revised February 13, 2024:
 - Sheet 1 of 6: Site Plan
 - Sheet 2 of 6: Erosion and Sediment control Plan
 - Sheet 3 of 6: Site Plan
 - Sheet 4 of 6: Construction Details
10. Landscape Plans, Prepared by Yost Design Landscape Architecture, Dated February 13, 2024
 - Sheet 5 of 6: Planting Plan prepared by Yost Design landscape Architecture
 - Sheet 6 of 6: Planting Details prepared by Yost Design Landscape Architecture

TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN

PB #24-26

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**Mauro Site Plan Reapproval
Reapproval of Final Site Plan Approval PB # 22-13,
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A motion was made to open the Public Hearing portion of the meeting by Andrew Andrews and second by Lisa DeFeciani and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, absent; Michael Mandel – Vice Chairman, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond, (alternate member), absent; and Andrew Andrews, aye.

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

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.

On motion by Michael Mandel – Vice Chairman and second by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, absent; Michael Mandel – Vice Chairman, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond, (alternate member), absent; 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.

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PB #24-26

Permit #51183

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Reapproval of Final Site Plan Approval PB # 22-13,
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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 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:

- 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 #24-26

Permit #51183

**Mauro Site Plan Reapproval
Reapproval of Final Site Plan Approval PB # 22-13,
Subject to Conditions
Reaffirmation of Neg. Dec.**

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On motion by Michael Mandel – Vice Chairman and second by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, absent; Michael Mandel – Vice Chairman, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond, (alternate member), absent; and Andrew Andrews, aye; the Board made a Negative Declaration pursuant to SEQRA.

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. 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 Town of Orangetown Office of Building Zoning Planning Administration and Enforcement reviewed the information and provided the following comment:
 - The applicant is reminded that no work is permitted 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.

TOWN CLERK'S OFFICE

2024 JUL 31 P 1:09

TOWN OF ORANGETOWN

PB #24-26

Permit #51183

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Subject to Conditions
Reaffirmation of Neg. Dec.**

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5. The Town Orangetown Department of Environmental Management and Engineering (DEME) reviewed the submitted information and provided the following comments:
 - DEME has no objection to the Reapproval of this site plan.
 - The drainage calculations that were submitted (last updated 2/13/24) are acceptable.
 - The soil erosion and sediment control plans and details, last updated 2/13/24, are acceptable
 - All of DEME's previous comments / recommendations have been addressed / satisfied.

6. The Town of Orangetown Bureau of Fire Prevention has no further comments at this time.

7. Drainage Review – Brooker Engineering

The proposed action has provided sufficient analysis to demonstrate potential significant increases in stormwater runoff can be mitigated. Brooker Engineering therefore recommends that the Mauro 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 10, 2024. The property is located on the east side of Route 9W; the land slopes downhill to the east. The proposed work includes a garage addition on the south side of the existing structure, new decks on the east side of the structure, and new walks on the west and north sides of the structure. Portions of the existing driveway are being removed; there is a net increase in impervious area of 568 square feet. There is a drywell proposed east of the garage to receive increases in stormwater runoff from the new garage. Drainage calculations have been provided that show the new seepage pit can store the entire 24 hour, 100-year rainfall over the new impervious areas. For this submission, test pits and soil percolation information for the drywell design have been provided that demonstrate separation to the groundwater table and soil percolation rate.

Project Comment

- As per the January 10, 2024 and March 21, 2022 drainage reviews, provide drainage calculations showing the required storage has been provided. Use the effective depth of the drywell, i.e. the vertical depth from the invert of the drywell to the pipe out invert elevation

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8. 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.
9. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
10. 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.
11. **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 preserve 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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- 12.** 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.
- 13.** 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.
- 14.** The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
- 15.** 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).
- 16.** Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
- 17.** 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.
- 18.** The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

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The foregoing Resolution was made and moved by Michael Mandel, Vice Chairman and seconded Lisa DeFeciani and carried as follows:
Thomas Warren – Chairman, aye; Denise Lenihan, absent; Michael Mandel, Vice Chairman, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond, (alternate member), absent; 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: June 26, 2024

Gerard Chesterman, Town of Orangetown Planning Board



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2024 JUL 31 P 1:09
TOWN CLERK'S OFFICE