

April 10, 2024 Planning Board Meeting

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Denise Lenihan and seconded by Kevin Farry and agreed to by all in attendance. The meeting was adjourned at 8:20 p.m. The next Planning Board meeting is scheduled for April 24, 2024.

Dated: April 10, 2024

Gerard Chesterman, Town of Orangetown Planning Board



TOWN OF ORANGETOWN
TOWN CLERK'S OFFICE
2024 MAY 23 12:18

**PB #24-23: SMK Erie West Subdivision
Recommendation to the Town Board to Release the Performance Bond**

**Town of Orangetown Planning Board Recommendation
April 10, 2024
Page 1 of 2**

**TO: Jay Greenwell, 34 Wayne Avenue, Suffern, New York
FROM: Town of Orangetown Planning Board
RE: SMK Erie West Subdivision**

PB #24-23: SMK Erie West Subdivision: The application of SMK Homes, owner for a “**Recommendation to the Town of Orangetown Town Board to Release the Performance Bond**”, 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 at 104 West Erie Street, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.13, Block 1, Lot 20 in the R-15 zoning district.

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

The Board received the following communications:

1. Project Review Committee Report dated March 27, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, Director, dated April 5, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown signed by Eamon Reilly, P.E., Commissioner, dated February 27, 2024 and from the Highway Department, signed by James Dean, Superintendent of Highways, dated February 29, 2024.
4. Interdepartmental memorandum from Town of Orangetown Parks and Recreation, signed by Aric Gorton, Superintendent of Parks, Recreation and Building Maintenance dated June 2, 2021.
5. Interdepartmental memorandum from the Highway Department, Town of Orangetown, signed by James Dean, Superintendent of Highways, dated February 29, 2024.
6. Letter submitted from Jay Greenwell of Jay A. Greenwell, PLS, LLC, dated February 29, 2024

TOWN CLERK'S OFFICE
2024 MAY 23 P 12:19
TOWN OF ORANGETOWN

**PB #24-23: SMK Erie West Subdivision
Recommendation to the Town Board to Release the Performance Bond**

**Town of Orangetown Planning Board Recommendation
April 10, 2024
Page 2 of 2**

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

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

RECOMMENDATION: In view of the foregoing, the Planning Board **Recommended to the Town of Orangetown Town Board to Release the Performance Bond**, as outlined in the Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown signed by Eamon Reilly, P.E., Commissioner, dated February 27, 2024 and from the Highway Department, signed by James Dean, Superintendent of Highways, dated February 29, 2024 and an Interdepartmental memorandum from the Highway Department, Town of Orangetown, signed by James Dean, Superintendent of Highways, dated February 29, 2024.

The foregoing Resolution was made and moved by Michael Mandel – Vice Chairman, and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel – Vice Chairman, aye; Kevin Farry, 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 **RECOMMENDATION** and file a certified copy in the Office of the Town Clerk and this Office of the Planning Board.

**Dated: April 10, 2024
Gerard Chesterman, Town of Orangetown Planning Board**



TOWN CLERK'S OFFICE
20M MAY 23 P 12:19
TOWN OF ORANGETOWN

PB #24-17: 59 Tweed Boulevard Site Plan **Permit # BLDR 4108-23**
Phase III
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.

Town of Orangetown Planning Board Decision
April 10, 2024
Page 1 of 11

TO: Ross Padluck, Kligerman Architecture and Design, 340 Haven
Avenue, 3N, New York, New York 10033
FROM: Orangetown Planning Board

RE: 59 Tweed Boulevard Site Plan: The application of Ross Padluck of Kligerman Architecture and Design, applicant, architect, for Prepreliminary/Preliminary/Final Site Plan at a site to be known as **"59 Tweed Site Plan Phase III"**, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 59 Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.13, Block 1, Lot 40 in the R-22 zoning district.

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

Christopher Olstein of Kligerman and German Feldman of Dr. Pilla appeared and testified.

The Board received the following communications:

1. Project Review Report dated March 27, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated April 5, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated April 10, 2024.
4. interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated February 21, 2024.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated March 29, 2024.
6. Letter and Notice from Rockland County Department of Health, signed by Brandon Durant, Ph.D., dated March 11, 2024.
7. Letter from Rockland County Highway Department, signed by Dyan Rajasingham, dated January 29, 2024.
8. Project Narrative prepared by the applicant.

TOWN CLERK'S OFFICE
2024 MAY 23 10 13 19
TOWN OF ORANGETOWN

**PB #24-17: 59 Tweed Boulevard Site Plan
Phase III
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit # BLDR 4108-23

**Town of Orangetown Planning Board Decision
April 10, 2024
Page 2 of 11**

9. Building Permit Referral to the Planning Board dated February 1, 2024 signed by Rick Oliver, Building Inspector.

10. Plans prepared by Kligerman Architecture and Design, last revision date of February 15, 2024:

- A-100 Proposed Site Plan
- A-201 Proposed First & Second Floor Plans
- A-202 Proposed Roof Plan & Enlarged Plans
- A-301 Proposed West & East Elevations
- A-302 Proposed South, North & Detail Elevations
- EV-001 Proposed Exterior View West Facade
- EV-002 Proposed Exterior View North Facade
- EV-003 Proposed Exterior View North Facade
- EV-004 Proposed Exterior View East Facade
- C-001 Title Sheet
- C-002 General Notes
- C-100 Existing & Previously Approved Site Plan
- C-110 Proposed Site Plan
- C-120 Proposed Detention System
- C-130 Soil Erosion & Sediment Control Plan
- C-200 Soil Erosion & Sediment Control Details
- FO-100 Phase 3 Foundation Specification & Details
- FO-101 Foundation Specification & Details
- FO-200 Phase 3 Foundation Plan
- S-100 Structural Specifications
- S-101 Structural Details
- S-200 Prop. Pantry/Bunker RM Addition Structural Plan

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

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

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

TOWN OF ORANGETOWN
PLANNING BOARD
APR 10 2024 10:19 AM

**PB #24-17: 59 Tweed Boulevard Site Plan
Phase III
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit # BLDR 4108-23

**Town of Orangetown Planning Board Decision
April 10, 2024
Page 3 of 11**

SEQRA

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Michael Mandel, Vice Chairman, and seconded by Kevin Farry carried as follows: Thomas Warren, Chairman, aye; Michael Mandel, Vice Chairman, aye; Andrew Andrews, aye; Michael McCrory, absent; Bruce Bond, (Alternate Member), absent; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, 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, Ike Kligerman Barkley 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, and Rockland County Department of Health, and having reviewed the drawings presented by the applicant's professional consultants; Ike Kligerman Barkley a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

TOWN OF ORANGETOWN
2024 MAY 23 PM 03:19
TOWN CLERK'S OFFICE

Phase III

Critical Environmental Area

Preliminary Site Plan Approval Subject to Conditions

Neg. Dec.

Town of Orangetown Planning Board Decision

April 10, 2024

Page 4 of 11

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

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

TOWN CLERKS OFFICE
2024 APR 10 10:19
TOWN OF ORANGETOWN

Phase III

Critical Environmental Area

Preliminary Site Plan Approval Subject to Conditions

Neg. Dec.

Town of Orangetown Planning Board Decision

April 10, 2024

Page 5 of 11

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.
4. Having found the pad for generators is impervious is/was included in prior approval. Further clarification will be necessary to be sure that there will be under 400 SF of impervious surface. Further clarification from DEMA will be needed and department sign off is also required from DEMA. The gravel where the generators exist is to remain. Revised Plans showing all work done on Phase 3 will need to be provided.
5. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans and Board Decisions prior to signing the final plans.
6. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.

TOWN OF ORANGETOWN
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TOWN CLERK'S OFFICE

**PB #24-17: 59 Tweed Boulevard Site Plan
Phase III
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit # BLDR 4108-23

**Town of Orangetown Planning Board Decision
April 10, 2024
Page 6 of 11**

Continuation of Condition # 6

7. The Town of Orangetown Office of Building, Zoning, Planning, Administration and Enforcement has the following comments:

1). The Short Environmental Assessment form must be revised and resubmitted as follows:

- #7 change to Upper Grandview & Environs.
- #12B check YES.
- #13A check YES.
- #15 check YES and state Bald Eagle, Atlantic Surgeon and Shortnose Sturgeon.
- #20 check YES and state #546031.
- #15 check YES and state Bald Eagle, Atlantic Surgeon and Shortnose Sturgeon.
- #20 check YES and state #546031.

2). Coordinate drawings A-100 and C-110.0. Drawing C-110.0 is to only indicate the proposed work that is part of Phase III, remove all other notations.

3). No work will begin and no permit will be issued until all the various agencies comments are met, all approvals are obtained, the Final Site Plan is stamped and the construction plans are reviewed and approved by the inspector.

8. The Town of Orangetown Department of Environmental Management and Engineering (DEME) had the following comments:

1). Amend Drawing C-100.00 to list/ identify the existing ground cover in the areas of the proposed Phase 3 improvements, including the areas (2) for the 4 relocated AC equipment pads.

2). Amend Drawing C-110.00 to the dimension of the proposed Phase 3 improvement areas, including the areas (2) for the 4 relocated AC equipment pads.

TOWN OF ORANGETOWN
2024 MAY 23 PM 12:19
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
April 10, 2024
Page 7 of 11**

Continuation of Condition # 8

3). The revised stormwater management plan is under review and states in paragraph 4 of the Introduction, page 3, that the total additional proposed impervious area for Phase 3 is 361 SQFT. However, this only includes the "northern" addition and does not include the new impervious areas being created by the relocation of the 4 AC equipment units. The total square footage of the new impervious surfaces created by the relocation of the 4 AC equipment units must be included in the total new impervious square foot created by Phase 3, as well as including this area to update the Introduction, drainage calculations/ analysis, etc. A revised Stormwater Management plan shall be prepared that demonstrates that the post construction stormwater systems are sufficient to handle the additional runoff from ALL new impervious areas.

4). The previously supplied revised Stormwater Management Plan (dated 2/2/24) stated in the Introduction, page 3, paragraph 4, that the change from the designed and approved subsurface stormwater systems (from Permavoid to drywells) was due to "availability issues" with the Permavoid system. However, the latest revised Stormwater management manual (dated 2/15/24) states in the Introduction, page 3, paragraph 3, that the change from the designed and approved subsurface stormwater systems (from Permavoid to drywells) was "to keep construction costs down." This discrepancy shall be rectified in the required revised Stormwater Management Plan.

5). The overflow from drywell Zone 1 shall be relocated further away (south east) from the steep incline.

9. The Town of Orangetown Bureau of Fire Prevention had no comments and recommendations at this time.

10. Drainage Review – Brooker Engineering

The application has provided sufficient information to demonstrate that the project will provide mitigation for potential significant adverse impacts with respect to drainage. Brooker Engineering, the Planning Board Drainage Consultant, therefore recommends that the 59 Tweed Boulevard Site Plan be approved for drainage subject to the following Project Comments.

TOWN CLERK'S OFFICE
2024 MAY 23 PM 12:19
TOWN OF ORANGETOWN

**PB #24-17: 59 Tweed Boulevard Site Plan
Phase III
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit # BLDR 4108-23

**Town of Orangetown Planning Board Decision
April 10, 2024
Page 8 of 11**

Continuation of Condition #10

Project Description

This is the first drainage review report for this action, which was previously reviewed and approved for drainage subject to no conditions in the November 3, 2022 drainage review report. The 2022 approved site plan application consisted of building additions, a driveway expansion, and site work improvements for an existing single-family house located on the east side of Tweed Boulevard.

The home is sited on a plateau close to the front (west) portion of the property. There is a north/south ridge along this plateau; portions of the stormwater runoff flow west toward Tweed Boulevard and the rear yard flows east toward the steep slope areas that eventually run off to Route 9W. There is a heavily vegetated steep slope area west of the existing retaining wall in the rear yard. It appears there is some expansion and new retaining walls in the rear yard on these steep slopes.

For the current application, a Phase 3 construction portion of the Site Plan construction has been added, which includes increases in impervious area of 361 SF over the 2022 approved Site Plan. This consists of 321 SF of rooftop area located at the north face of the building and sidewalks of 40 SF adjacent to this building addition. The stormwater management plan has been updated to demonstrate the previously designed stormwater detention system can accommodate the additional stormwater runoff for the current application.

Project Comments

- 1). The Stormwater Management Plan shall contain a description in the narrative portion of the report that clearly states, under its own header, the 2022 approved conditions and the additions/modifications proposed for the current Site Plan application.
- 2). Define the acronym "PAA" used in the Stormwater Management Plan narrative.
- 3). Include existing, 2022 approved, and proposed drainage subarea maps in the Stormwater Management Plan that show approved 2022 conditions, current proposed conditions, and the hydrologic point of interest. This shall correlate to the information included in Appendix VII.
- 4). Explain the drainage subareas in the hydrologic model in the narrative summary of the Stormwater Management Plan.
- 5). Reference the approval dates and jurisdiction of the "Previously Approved" site plan noted on drawing C-100.00.

TOWN CLERK'S OFFICE
2024 MAY 23 P 12:19
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
April 10, 2024
Page 9 of 11**

Continuation of Condition #10

6). Verify the Proposed "Phase 3 addition by Others" located at the southwest corner of the existing house is accounted in the existing conditions drainage calculations via the drainage subarea maps of the approved drawings.

7). Provide finished floor basement elevations at the new building addition located in the northern face of the existing house. Provide grading in this area that demonstrates positive drainage away from the structure.

8). Provide proposed grading in the area of the new sidewalk proposed at the north side of the building.

9). For ease of review, cloud the areas that are being modified for the current application on Drawing C-110.00.

11. The Rockland County Highway Department had the following comments:

1). The widths of the ingress and the egress driveway shall not be more than 12 ft. and the distance between the driveways shall be at least 35 ft.

2). No work shall be performed without a work permit from the Rockland County Highway Department.

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

- The Town of Orangetown Zoning Board of Appeals
- Rockland County Center for Environmental Health

13. 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:

TOWN CLERK'S OFFICE
2024 APR 23 12:19 PM
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
April 10, 2024
Page 10 of 11**

Continuation of Condition #13

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

- One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of $\frac{3}{4}$ inch of plywood or boards, or equal over the area to be protected.

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

14. 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.

15. 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.

TOWN CLERK'S OFFICE
2024 APR 23 PM 12:19
TOWN OF ORANGETOWN

**PB #24-17: 59 Tweed Boulevard Site Plan
Phase III
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit # BLDR 4108-23

**Town of Orangetown Planning Board Decision
April 10, 2024
Page 11 of 11**

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

17. 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).

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

19. 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

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

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

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

Dated: April 10, 2024

Gerard Chesterman, Town of Orangetown Planning Board

TOWN CLERK'S OFFICE
2024 APR 23 P 12:20
TOWN OF ORANGETOWN

**PB #24-17: 59 Tweed Boulevard Site Plan
Phase III
Critical Environmental Area
Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit # BLDR 4108-23

**Town of Orangetown Planning Board Decision
April 10, 2024**

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

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

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

**NAME OF ACTION: 59 Tweed Boulevard Site Plan Phase III – Preliminary
Site Plan Approval Subject to Conditions**

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

**DESCRIPTION OF ACTION: 59 Tweed Boulevard Site Plan – Preliminary Site
Plan Approval Subject to Conditions**

LOCATION: The site is located at 59 Tweed Boulevard, in the Critical Environmental Area, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.13, Block 1, Lot 40 in the R-22 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

If Conditioned Negative Declaration, the specific mitigation is provided on an attachment. For Further Information contact: Office of Building, Zoning and Planning Administration and Enforcement; Town of Orangetown; 20 Greenbush Road Orangeburg, NY 10962; Telephone Number: 845-359-5100

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

TOWN CLERK'S OFFICE

APR 10 2024 12:20 PM

TOWN OF ORANGETOWN

**PB #24-24
East Coast BLR Site Plan
Final Site Plan and SEQRA Review**

Permit #BLDC-2053-22

**Town of Orangetown Planning Board Decision
April 10, 2024
Page 1 of 14**

**TO: Bart Rodi, 234 South Grant Ave., Congers, New York 10920
FROM: Orangetown Planning Board**

RE: East Coast BLR Site Plan: The application of Thota Nagaraja, applicant, for East Coast BLR, LLC, owner, for Final Review of a site plan to be known as “**East Coast BLR Site Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 11 Kings Highway, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.11, Block 2, Lot 4 in the LIO zoning district.

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

Bart Rodi, P.E., appeared and testified before the Board.

The Board received the following communications:

1. Project Review Committee Reports dated March 27, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, Director, April 5, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated April 10, 2024.
4. Interdepartmental memorandum from the Fire Prevention Bureau, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated March 26, 2024.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated April 9, 2024.
6. Site Plan prepared by Bart Rodi, PE, last revision date of March 4, 2024.
7. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated April 8, 2024 and a notice signed by Jake Palant, April 8, 2024.
8. Letter and Notice from Rockland County Department of Health, signed by Brandon Durant, Ph.D., Assistant Public Health Engineer dated April 8, 2024.
9. Short Environmental Assessment Form (SEAF) stamped and received March 6, 2024

TOWN OF ORANGETOWN
224 MAY 23 PM 12:20
TOWN CLERK'S OFFICE

Town of Orangetown Planning Board Decision
April 10, 2024
Page 2 of 14

10. Plans prepared by Bart Rodi, P.E.:
- Latest revision date of March 4, 2024
 - T-1 Title Page
 - SP-1 Site Plan
 - Latest revision date of February 4, 2024
 - SP-2 Existing Conditions
 - SP-3 Existing Drainage
 - SP-4 Proposed Drainage & Erosion control & Sediment Plan
 - SP-5 Lighting & Landscape
 - SP-6 Truck Maneuverability
 - D-2 Side Detail
 - Latest Revision Date of September 15, 2023
 - A-1 Proposed Elevations
 - A-2 Proposed Warehouse Addition
 - Latest Revision Date of May 2, 2023
 - D-1 Site Details

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

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

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."

TOWN CLERK'S OFFICE
2024 APR 23 PM 12:20
TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision
April 10, 2024
Page 3 of 14

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 Orangetown Office of Building, Zoning, Planning Administration and Enforcement had the following comments:

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

5. The Town of Orangetown Department of Environmental Management and Engineering (DEME) had the following comments:

1). The applicant still needs to comply with PB Decision # 23-07, conditions:
13. Soil analysis, perc tests and determination of groundwater elevations shall be performed at all of the of the proposed subsurface detention system locations. These tests/ investigations shall be performed in the spring or fall when the ground water table is typically at its highest. These tests shall be performed PRIOR to this proposal receiving Final Approval to ensure the adequacy of the design. The information/ test results/ elevations shall be added and incorporated into the drainage calculations. DEME shall be notified at least 48 hours

33. 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 Attorney's Office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to this Department, etc.

2). Because the proposed total area of disturbance (a.o.d.) is less than 1 acre, a full SWPPP is no longer required. The drainage calculations supplied are under review by DEME.

3). The drainage calculations shall be revised to include an Introduction/ Project narrative that fully describes the existing and proposed conditions. The existing and proposed calculations shall be separated into their own appendices. Lastly, the calculations shall be bound.

**Town of Orangetown Planning Board Decision
April 10, 2024
Page 4 of 14**

Continuation of Condition #5

- 4). The stormwater basin cross-sections shall include storage volume for given design storms and elevations and c.), permanent sediment depth marker with detail, emergency overflow spillway with elevations, etc.
- 5). The channel analysis provided shall be added to the required revised drainage calculations.
- 6). The drainage calculations, channel analyses and sanitary cellulations shall be signed and sealed.
- 7). The drainage calculations shall list (in table form) and clearly show (on the drawings) all of the existing and proposed pervious and impervious surfaces (roof, pavement, grass, etc.) and their corresponding areas.
- 8). The total area of disturbance (a.o.d.) shall be in written/ table form in the required revised drainage calculations and clearly depicted (and labeled) on drawings SP-1, SP-4 & Sp-5. The applicant's engineer is reminded that the a.o.d. shall include ALL proposed work/ disturbances including all building construction, plantings, installation of new pavement, installation of grass-crete, installation of post construction storm water management system(s), all utility piping, relocation of transformer pad, etc.
- 9). The limits of drainage areas 1 & 2 shall be clearly shown and labeled on drawings SP-2 to SP-4. Currently, it appears that the proposed additional is not included in drainage Area 2 on drawing Sp-3.
- 10). The drawings show the proposed outlet piping, from the new detention basin, changing direction about halfway between the outlet structure and existing CB #3, without a drainage structure. This is not acceptable. The applicant's engineer shall propose a flat grate catch basin to be installed at this location. A detail for same shall be added to the drawings.
- 11). The size, slope length and material for all existing and proposed stormwater drainage piping shall be added to drawings SP-1 & SP-4.
- 12). Separate and complete profiles (showing full length of each piping run to scale) for all existing and proposed stormwater piping shall be added to the plans.

TOWN OF ORANGETOWN
2024 MAY 23 12:20
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
April 10, 2024
Page 5 of 14**

Continuation of Condition #5

- 13). Top elevation for all the proposed outlet structure shall be given on the plans and profiles.
 - 14). Soil erosion and sediment control features shall be shown around all existing and proposed catch basins.
 - 15). The stabilized construction entrance, on drawing SP-4, and the stabilized construction entrance detail shall be drawn and dimension to be 50 feet long and 24 feet wide.
 - 16). The existing sanitary building connection appears to change direction without a cleanout. The applicant/ applicant's engineer shall verify if this is correct. If no cleanout exists at the change in direction, a cleanout shall be proposed for this location (including top and invert elevation.
 - 17). The sanitary calculation provided are under review by DEME.
 - 18). All existing ground cover surfaces shall be labeled on drawing SP-2.
6. The Town of Orangetown Bureau of Fire Prevention had the following comments:
- 1). The proposed hydrant shall be moved away from the building to the south side of the fire lane.
 - 2). Construction plans shall contain the following information:
 - A Key lock box if required
 - Installation of a fire alarm system as per NFPA 72
 - Installation of a sprinkler system as per NFPA 13
 - Emergency Lighting where required

TOWN OF ORANGETOWN
MAY 23 10:20
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
April 10, 2024
Page 6 of 14**

7. Drainage Review – Brooker Engineering

The application has demonstrated that potential significant impacts with respect to drainage can be mitigated. Brooker Engineering, the Planning Board Drainage consultant therefore recommends that the East Coast BLR 1993 LLC Site Plan be approved for drainage subject to the following Project Comments.

Project Description

This is the applicants third drainage review report for this project; the last review was dated June 21, 2023. The proposed action consists of the construction of an approximate 245'x120' building addition to an existing warehouse structure. Parking lot improvements are proposed southeast of the addition. Stormwater mitigation is being provided south of the addition in a new at grade stormwater management basin. The land slopes downhill to the northwest corner of the property. The project increases impervious area by 18,291 SF and proposes a stormwater management basin that can store approximately 3.5 inches of rainfall runoff from the new impervious areas.

Project Comments

- 1). As per the June 21, 2023 and February 7, 2023 reports, provide a drainage summary including existing and proposed conditions drainage maps with impervious areas, existing and proposed peak rates of discharge, hydrologic point of interest, and methodology.
- 2). As per the June 21, 2023 and February 7, 2023 reports, show proposed grading at the loading dock.
- 3) As per the February 7, 2023 report, provide proposed conditions grading including spot grades and contours. Show positive drainage away from the structure. Show top and bottom of curb elevations to show stormwater directed away from the building and into proposed CB 2.
- 4). As per the June 21, 2023 drainage review report, it appears the detention basin is missing an additional elevation 84 contour on the north side of the basin.
- 5). As per the June 21, 2023 drainage review report, provide proposed grading that shows the proposed storm drainage invert of 84.7 on the south side of the addition will not be above grade.
- 6). Coordinate the orifice size on the Outlet Structure Detail. Clarify the pipe in shown on the Outlet Structure Detail with the proposed Grading and Utility Plan.

TOWN OF ORANGETOWN
2024 MAY 23 P 12:20
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
April 10, 2024
Page 7 of 14**

Continuation of Condition #7

- 7). As per the June 21, 2023 drainage review report, clarify the difference between Drainage Area 1 and Drainage Area 2 on the Drainage Plans. The drainage areas shall be determined by site topography and specific hydrologic features. The drainage calculations have been removed from the plan set (Drawing D-1) and shall be included with the submission.
- 8). As per the June 21, 2023 drainage review report, provide a narrative description of the subareas used in the hydrologic model.
- 9). The drainage area map in the Channel Analysis appears to significantly underestimate the flow to the channel in question. The drainage area map shall be plotted at a scale to include more of the surrounding area as well as contour labels. Verify the delineation as it appears the drainage limits are not perpendicular to contours and several contributing swales are not included.
- 10). Profile the pipe entering the detention basin with an invert elevation of 83.0; verify this pipe will have adequate ground cover in the parking lot.
- 11). Storm drainage profiles shall be prepared for each branch of the drainage lines; including the existing CB 3 with Proposed CB 2A next to each other on the same profile is confusing.
- 12). Clarify the proposed outlet structure on the stormwater profile on Drawing D-2; this is shown with a dashed line type presumably meant for existing conditions.

8. The Rockland County Department of Planning had the following comments:

- 1). A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 2). An updated review of the March 4, 2024 site plan must be completed by the Rockland County Highway Department and any outstanding concerns in their September 12, 2023 letter must be satisfactorily addressed.
- 3). The subject property is approximately 480 feet northeast of the Sparkill Creek which is one of the reasons for the project's referral to Rockland County Department of Planning. A review must be completed by the County of Rockland Drainage Agency and any required permits obtained.

TOWN CLERK'S OFFICE
2024 MAY 23 12:20
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
April 10, 2024
Page 8 of 14**

Continuation of Condition #8

4). The New York Natural Heritage Program's (NHP) database, as reflected on the Hudson Valley Natural Resource Mapper, indicates that several corners of the site are within the riparian buffer of the Sparkill Creek. The Sparkill Creek is listed in the final New York State 2018 Section 303 (d) List of Impaired Total Maximum Daily Load (TMDL) Waters (June 2020) as a waterbody with impairments that do not support best uses and requires development of a TMDL. The pollutants identified are fecal coliform and oxygen demand. The suspected source of the pollution is urban/stormwater runoff. Development applications within the Sparkill Creek watershed must consider the adverse impacts of potential pollutant loadings to the creek.

5). An updated review of the March 4, 2024 site plan must be completed by the Rockland County Health Department and any outstanding concerns in their letter of September 12, 2023 must be satisfactorily addressed.

6). The applicant must comply with any outstanding comments of the Orangetown Chief Fire inspector in the January 24, 2023 letter. In addition, the County of Rockland Office of Fire and Emergency Services or the Orangeburg Fire District shall have the opportunity to review this proposal to ensure that the site is designed in a safe manner and there is sufficient maneuverability on the site for emergency vehicles.

7). As indicated in the minutes of the June 28, 2023 Orangetown Planning Board Meeting and the County Planning Department's September 27, 2023 GML Section 239 Review "Light manufacturing uses" are a Conditional Use subject to approval by the Planning Board, under Chapter 43, Section 3.11 (Attachment 10), Column 4, Item 4. This conditional use is subject to performance standards procedure 4.12, requiring review from the Town of Orangetown Industrial Use Committee. The Planning Board must be satisfied that the applicant follows the applicable standards and procedures to allow this conditional use.

TOWN OF ORANGETOWN
2024 MAY 23 P 12:20
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
April 10, 2024
Page 9 of 14**

Continuation of Condition #8

- 8). 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.
- 9). There shall be no net increase in the peak rate of discharge from the site at all design points.
- 10). A stormwater pollution prevention plan (SWPPP) was not received by the County Planning Department. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.
- 11). 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.
- 12). The applicant has increased the southern travel aisle width from 20 feet to 22 feet to accommodate 90-degree parking spaces, as required per Section 6.34 of the Orangetown zoning regulations and noted in the Planning Department's previous GML Section 239 Reviews. The Planning Board Shall be satisfied that there is sufficient room for vehicle maneuverability on this site.
- 13). The County Planning Department recommends that the applicant use plants that are native to New York for the proposed landscaping to help preserve and promote biodiversity. Native plants are better adapted to the local climate and soils, making them easier to care for, and results in the need of less fertilizer, pesticides, and the 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.

TOWN OF ORANGETOWN
2024 MAY 23 P 12:20
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
April 10, 2024
Page 10 of 14**

Continuation of Condition #8

14). The Planning Board must be satisfied that the proposed snow storage areas are sufficient for a parking area of this size. It must be assured that there will be no loss of available parking or damage to the proposed landscaping from snow piles.

15). To help reduce the impact of this development, a reduction of impervious surface should be considered. Permeable pavers and additional green infrastructure techniques should be considered such as bioswales, rain gardens, rainwater capture. It recommended that the applicant review chapter 5 "Green Infrastructure Practices" of the 2015 NYSDEC Stormwater Design Manual.

16). All proposed signage shall be indicated on the site plan and shall conform to the sign ordinance in Chapter 31C of the Orangetown Code.

17). This project presents an opportunity to advance the goals of the New York State Climate Leadership and Community Protection Act (the Climate Act), through the inclusion of on-site renewable energy. The Climate Act, which was signed into law in 2019, set a goal of reducing greenhouse gas emissions by 85% from 1990 levels by 2050. This development will result in an increased demand for energy and will put that energy from the grid. It appears based on the drawings and graphics provided that the proposed building has a large roof that may be conducive to the instillation and use of solar panels. It is recommended that the potential use of on-site renewable energy be evaluated and strongly considered. Likewise, the building should be designed and constructed to maximize energy efficiency.

18). The proposed project presents an additional opportunity to advance the goals of The Climate Act through the inclusion of publicly available electric vehicle (EV) charging stations. One of the key strategies towards meeting this goal is the electrification of the transportation system through the expanded installation of EV charging infrastructure. With U.S. automakers predicting that approximately one-half of new vehicle sales will be electric by 2030, the availability of charging stations will likely be a positive attraction for this site and its residents. The Planning Department urges the Town and the applicant to take advantage of this opportunity and include this important infrastructure in the proposed site improvements.

TOWN OF ORANGETOWN
2024 MAY 23 PM 12:20
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
April 10, 2024
Page 11 of 14**

Continuation of Condition #8

19.1). All approved variances, along with the dates that they were approved by the Town of Orangetown Zoning Board of Appeals (ZBA), must be listed in the map notes.

9. The Rockland County Department of Health (RCDOH) has the following comments:

1). An application is to be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito Code.

10. 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.

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

12. 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.

TOWN OF ORANGETOWN
2024 MAY 23 PM 12:21
TOWN CLERK'S OFFICE

Town of Orangetown Planning Board Decision
April 10, 2024
Page 12 of 14

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

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

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

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

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.

- 14.** 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.

TOWN OF ORANGETOWN
2024 MAY 23 P 12:21
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
April 10, 2024
Page 13 of 14**

15. 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.

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

17. 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).

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

19. 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

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

TOWN CLERK'S OFFICE
2024 MAY 23 P 12:21
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
April 10, 2024
Page 14 of 14**

The foregoing Resolution was made and moved by Michael Mandel-Vice-Chairman and seconded by Kevin Farry and carried as follows:
Thomas Warren – Chairman, aye; Denise Lenihan, aye;
Michael Mandel-Vice Chairman, aye; Kevin Farry, 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: April 10, 2024
Gerard Chesterman, Town of Orangetown Planning Board**



TOWN OF ORANGETOWN
2024 MAY 23 P 12:21
TOWN CLERK'S OFFICE