

TOWN OF ORANGETOWN PLANNING BOARD

Meeting of Wednesday, October 9, 2024

MEMBERS PRESENT:

Michael Mandel, Vice Chairman
Andrew Andrews
Denise Lenihan
Lisa DeFeciani
Bruce Bond (Alternate Member)
Michael McCrory
Matthew Miller

MEMBER ABSENT: Thomas Warren, Chairman,

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

Michael Mandel, Vice Chairman called the meeting to order at 7:31 p.m. Mr. Mandel 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:

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

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

New Items:

Caruana Lot-Line Change **PB #24-44**
Prepreliminary/Preliminary/Final
and SEQRA Review **POSTPONED TO**
81 & 65 Rockland Road, Sparkill **OCTOBER 23, 2024**
Section 78.05, Block 1, Lot 26 & **MEETING**
Section 75.17, Block 2, Lot 1.3
R-40 zoning district

Pentecostal Council Refuge of Salvation Site Plan **PB #24-45**
Prepreliminary/ Preliminary/ Final Site Plan
and SEQR Review **CONTINUED**
575 Route 303, Blauvelt
Section 70.15, Block 1, Lot 45;
CC zoning district

Noonan's Backyard Dining Area Plan **PB #23-49**
Final Site Plan and SEQRA Review
16 East Central Avenue, Pearl River **FINAL WITH**
68.20/1/13 & 14; CS zoning district **CONDITIONS**

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Other Business: Petition for Amendment to the Zoning Ordinance of the Town of Orangetown from an "R-80" District to an "R-15" District. Western Highway and Ellsworth Drive. In the Hamlet of Blauvelt. Section 70.05, Block 1 and Lot(s) 14.1, 14.2, 17.1

The Board reviewed the submitted referral and had no comment. The Board made a motion to consent to the Town of Orangetown Town Board to be Lead Agency. A motion was made by Bruce Bond, (alternate member), and seconded by Michael McCrory, and carried as follows: Matthew Miller, aye; Thomas Warren – Chairman, absent; Denise Lenihan, aye; Michael Mandel – Vice Chairman, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), aye; and Andrew Andrews, aye.

Other Business: Village of Nyack Building Department GML Referral: Demolish, reconstruct and add to fire-damaged Residence amending previously approved design. Also construct 1-car garage. Located at 14 Depew Ave, Nyack. Section 66.38, Block 3, lot 18.

The Board reviewed the submitted referral and had no comment. The Board made a motion to grant Local Determination. A motion was made by Bruce Bond, (alternate member), and seconded by Andrew Andrews, and carried as follows: Matthew Miller, aye; Thomas Warren – Chairman, absent; Denise Lenihan, aye; Michael Mandel – Vice Chairman, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), aye; and Andrew Andrews, aye.

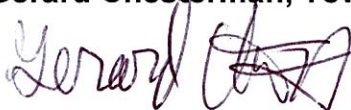
Other Business: Village of Nyack Building Department GML Referral: Removal of residential one-story rear addition and replace it with a larger one-story addition and covered porch. Located at 199 Depew Ave, Nyack. Section 65.44, Block 2, lot 30

The Board reviewed the submitted referral and had no comment. The Board made a motion to grant Local Determination. A motion was made by Bruce Bond, (alternate member), and seconded by Lisa DeFeciani, and carried as follows: Matthew Miller, aye; Thomas Warren – Chairman, absent; Denise Lenihan, aye; Michael Mandel – Vice Chairman, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), aye; and Andrew Andrews, aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Michael McCrory and seconded by Lisa DeFeciani and agreed to by all in attendance. The meeting was adjourned at 8:37 p.m. The next Planning Board meeting is scheduled for October 23, 2024.

Dated: October 9, 2024

Gerard Chesterman, Town of Orangetown Planning Board



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**TO: Edward O’Hara, 941 McLean Avenue, Yonkers, New York 10704
FROM: Town of Orangetown Planning Board**

PB #24-31: 39 South William Site Plan, a continued item: The application of Edward O’Hara, owner, for Final Site Plan Review at a site known as “39 South William 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 39 William Street, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 1, Lot 30.2 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **July 10, 2024** and **October 9, 2024** at which time the Board made the following determinations:

July 10, 2024

Edward O’Hara and Daniel Collins appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated June 26, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, Director, dated July 3, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown signed by Bruce Peters , P.E., Commissioner, dated July 9, 2024.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated June 24, 2024.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated July 7, 2024.
6. Letter from Rockland County Department of Health, signed by Brandon Durant, P.E., dated June 21, 2024.
7. Letter from Rockland County Department of Health, signed by Amy Isenberg, dated March 27, 2024.
8. Letter from Rockland County Sewer District NO. 1, signed by Nicholas King, dated June 24, 2024.
9. Site Plans: Proposed Commercial Building 39 South William Street, prepared by Hudson Engineering and Consulting, P.C.
 - Revised January 23, 2024
 - Sheet NO. EX-1: Existing Conditions Map
 - Sheet NO. C-1: Site Development Plan
 - Sheet NO. C-3: Stormwater Management Plan
 - Sheet NO. C-4: Erosion and Sediment Control Plan
 - Sheet NO. C-6: Details
 - Sheet NO. C-7: Utility Profiles
 - Sheet NO. C-8: Attenuation Gallery Sections

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- Revised May 2, 2024
 - Sheet NO. C-2: Layout Plan
 - Revised October 10, 2024
 - Sheet NO. C-5: Details
10. Architectural Plans: Propose New Structure Commercial Space 39 South Williams RD. Prepared by Jenny R. Zuniga-Casal, Architect, last revised May 2, 2024
11. Notice from the Rockland County Highway Department, signed by Dyan Rajasingham, dated July 2, 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; Michael Mandel-Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, absent; Denise Lenihan, absent; Bruce Bond, (alternate member), aye; and Lisa DeFeciani, aye.

Public Comment:

Andy McKeon, 35 South William and 42 Ridge Street, Pearl River. Stressed that the Board mandate a new survey for the property. Stressed concern with regard to drainage and how it may impact his adjacent property. Expressed concern for property maintenance.

Kevin Murtaugh, 50 Ridge Street, Pearl River. Questioned if there is going to be a fence on the back of the property.

Margret Robinson, 12 High Street, Pearl River. Stressed concerns regarding drainage, maintenance and fencing.

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

SEQRA

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

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

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offices, officials and/or Departments: (Town of Orangetown): Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Department of Highways, Rockland County Planning Department, Rockland County Sewer District #1, and having reviewed the drawings presented by the applicant's professional consultants; a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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

The Applicant Requested a Continuation

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October 9, 2024

Edward O'Hara appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated September 25, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, Director, dated October 4, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown signed by Bruce Peters , P.E., Commissioner, dated October 8, 2024.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated September 23, 2024.
5. Letter from Brooker Engineering, signed by Dennis Rocks, P.E., dated October 9, 2024.
6. Letter from Rockland County Sewer District NO. 1, signed by Nicholas King, dated September 23, 2024.
7. Letter from applicant Hudson Engineering and Consulting, P.C., dated July 22, 2024
8. Stormwater Management Plan & Drainage Analysis: 39 South William Street, prepared by Hudson Engineering & Consulting, P.C., last revised July 22, 2024
9. Proposed Commercial Building 39 South William Street, prepared by Hudson Engineering and Consulting, P.C.
 - Revised July 22, 2024
 - Sheet NO. EX-1: Existing Conditions Map
 - Sheet NO. C-1: Site Development Plan
 - Sheet NO. C-2: Layout Plan
 - Sheet NO. C-3: Stormwater Management Plan
 - Sheet NO. C-4: Erosion & Sediment Control Plan
 - Sheet NO. C-5: Details
 - Sheet NO. C-6: Details
 - Sheet NO. C-7: Utility Profiles
 - Sheet NO. C-8: Attenuation Gallery Sections
 - Sheet NO. C-9: Attenuation Gallery Sections
10. Letter/notice from Rockland County Department of Planning, signed by Jake Palant, dated September 9, 2024

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

Public Comment:

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Joan Foley, 180 Ridge Street, Pearl River. Questioned what the specific use of the proposed development would be. Stresses concern with empty properties in the area, further stressing favorability to further housing development in the area.

Andy McKeon, 35 South William and 42 Ridge Street, Pearl River. Stressed concern regarding drainage and stormwater management, wants a fence around the property

Henry Wemmer, 107 Sunset Road, Blauvelt. Questioned how oil got on the roof.

There being no one else to be heard from the public, a motion was made to close the public portion of the meeting by Lisa DeFeciani, and second by Andrew Andrews and carried as follows: Thomas Warren-Chairman, absent; Michael Mandel-Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Bruce Bond, (alternate member), aye; Matthew Miller, aye, and Lisa DeFeciani, 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."
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. The applicant shall comply with all relevant and applicable conditions of all previous Board Decisions: ACABOR #24-21. Approved with Conditions, dated May 2, 2024, Planning Board #23-46. Preliminary Site Plan Approval Subject to Conditions, dated January 10, 2024, Zoning Board of #24-18, Side Yard and Rear Yard Variances Approved, dated March 20, 2024
4. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.

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5. The Town of Orangetown Office of Building, Zoning, Planning, Administration and Enforcement has the following comments:
 1. All the OBZPAE Directors comments have been addressed.
 2. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Site Plan is stamped and signed by the Chairman and the construction plans are reviewed and approved by the inspector.
6. The Town of Orangetown Department of Environmental Management and Engineering (DEME) had the following comments:
 1. The revised drainage calculations are currently under review.
 2. A separate plan and profile views on the outlet structure-OCS-1 only, showing all piping connection, their related inverts, top & bottom elevations, etc., shall be added to the plans.
7. The Town of Orangetown Bureau of Fire Prevention reviewed the information and offered the following comments
 1. Construction plans should include the following information:
 - Installation of a NFPA 13 compliant sprinkler system if required
 - Installation of a fire alarm system to the NFPA 72 standard
 - Installation of a key lock box.
8. **Drainage Review – Brooker Engineering:** The July 7, 2024, review noted that the application has provided sufficient information to demonstrate that potential significant impacts with respect to drainage can be mitigated. The July 7, 2024, review noted that we therefore recommend that the 39 South William Street Site Plan be approved for drainage subject to the following Project Comments.

Project Description

This is the fourth drainage review report for this project; our last review was dated July 7, 2024. The proposed action consists of the construction of a new 2,498 square feet two story office building (2,300 sf footprint) with a four-space parking lot in front of the building. The land slopes towards South William Street (back to front). The proposed building is sited two feet offset from each side property line. A stormwater management system is proposed in the driveway for stormwater mitigation of peak runoff rates.

We note the new building is located in the natural stormwater drainage path from west to east, towards South William Street. The design includes introducing a new low point in the rear yard with a catch basin structure with a rim elevation of 240.57. The lowest adjacent grade of 241.1 around

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CONTINUATION OF CONDITION #8.....

this low point in the rear yard creates a bowl. The building elevation is set at elevation 241.0. If the drainage system for this rear yard drain structure becomes clogged or compromised the backyard will flood, which will inundate the new building and potentially surrounding properties to the north, west, and south.

Project Comments

1. As per our January 6, 2024 drainage review report, provide more detailed spot grading in the rear of the building. Show an overflow path for drainage in the event the field inlet in the backyard is clogged. Show that the proposed eight-inch pipe has the capacity to convey flow from the rear yard. The proposed elevation along the rear property line of 241.1 is presumably lower than the off-site parking lot to the west, as this parking lot is located along a ridge with an elevation greater than 241.
2. Reevaluate selected design point which currently only includes site contributions.
3. Evaluate existing connection pipe system to accept site runoff.
4. Report consistently refers to Complex Numbers for what should be curve numbers.
5. Provide pipe sizing calculations.
6. Point us to TC calculations within the report.
7. The Sumps part of the maintenance section indicates an HOA.
8. A six-month maintenance frequency for the gallery may be far too infrequent for the extremely small proposed orifices. Please reconsider the proposed very small orifices which will be a maintenance nuisance. As it stands the future maintenance agreement should acknowledge the very small orifices. Future modeling should consider clogged orifices and the mode of failure.
9. Provide calculation for water quality flow rate of 0.18 cfs.
10. Proposed conditions routing does not include any drainage infrastructure located downstream of the first defense structure. This information is critical for this review and our review is inconclusive without it.
11. Proposed conditions modeling only includes 2 storms.

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CONTINUATION OF CONDITION #8.....

12. Buoyancy calculations: review asphalt density.
13. Existing conditions routing: Provide descriptions for two reaches located in between the watershed and the design point.
9. The Rockland County Sewer District # 1 reviewed the information and offered the following comments
 1. Rockland County Sewer District No. 1 does not object to the Planning Board serving as lead agency for this review.
 2. Rockland County Sewer District No. 1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District. We request no future correspondence for this site.
10. 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:
 1. No construction equipment shall be parked under the tree canopy.
 2. There will be no excavation or stockpiling of earth underneath the trees.
 3. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
 4. 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.

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CONTINUATION OF CONDITION #10.....

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 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.
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.
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.

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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.

The foregoing Resolution was made and moved by Bruce Bond, (alternate member), and second by Michael McCrory and carried as follows: Thomas Warren-Chairman, absent; Michael Mandel-Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Bruce Bond, (alternate member), aye; Matthew Miller, 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: October 9, 2024
Gerard Chesterman, 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 #24-31: 39 South William Site Plan
Final Site Plan Subject to Conditions / NEG DEC.**

BLDC-2402-22

**Town of Orangetown Planning Board Decision
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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: 39 South William Site Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Final Site Plan Subject to Conditions / NEG DEC.

LOCATION: The site is located at 39 South William, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section; 68.20, Block 1, Lot 30.2 in the CS zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

Office of Building, Zoning and Planning
Administration and Enforcement
Town of Orangetown
26 Orangeburg 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



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**PB #23-49: Noonan's Backyard Dining Area
Site Plan
Final Site Plan
Subject to Conditions / NEG. DEC**

BLDR #504-22

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**TO: Donald Brenner, 4 Independence Avenue, Tappan, New York
10983
FROM: Town of Orangetown Planning Board**

PB #23-49: Noonan's Backyard Dining Area Site Plan: The application of Larry Vergine, applicant, for D & B No. 2, owner, for Final Site Plan Review at a site known as "Noonan's Backyard dining Area Plan", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 16 East Central Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 1, Lot 13 & 14 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **October 9, 2024** at which time the Board made the following determinations:

Donald Brenner, Jay Greenwell and Larry Vergine, appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated September 25, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, Director, dated October 4, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown signed by Bruce Peters, P.E., Commissioner, dated October 8, 2024.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated September 23, 2024.
5. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated September 23, 2024.
6. Letter from the Rockland County Health Department, signed by Elizabeth Mello dated October 23, 2024
7. Letter from the Rockland County Highway Department, signed by Dyan Rajasingham, dated March 19, 2024.
8. Letter from Rockland County Drainage Agency, signed by Liron Derguti, Engineer I, dated March 26, 2024.
9. Site Plan of Property for 14-16 East Central Ave., prepared by Jay A. Greenwell, PLS, LLC., dated January 17, 2024.
10. Site Plan of Property for 20 East Central Ave., prepared by Jay A. Greenwell, PLS, LLC., dated January 17, 2024.
11. Existing Conditions for 14-16-20 East Central Ave., prepared by Jay A. Greenwell, PLS, LLC., last revised May 16, 2024.

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12. Notice from the Rockland County Department of planning, signed by Jake Palant, dated September 9, 2024.
13. Notice Letter from the Rockland County Highway Department, signed by Dyan Rajasingham, dated September 9, 2024.

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

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

Reaffirmation of SEQRA

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, and the applicant's consultant and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Department of Health, Rockland County Sewer District #1, and having reviewed the drawings presented by the applicant's professional consultants; a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;

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

On a motion by Denise Lenihan, and seconded by Bruce Bond (alternate member) and carried as follows: Thomas Warren-Chairman, absent; Michael Mandel-Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Bruce Bond, (alternate member), aye; Matthew Miller, aye, and Lisa DeFeciani, aye. The Board reaffirmed Negative Declaration pursuant to SEQRA

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all

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CONTINUATION OF CONDITION # 2.....

matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

3. The applicant shall comply with all relevant and applicable conditions of all previous Board Decisions: ZBA #24-39, Approved, July 31, 2024, ZBA #24-39A, Approved, July 31, 2024, PB #23-49, Preliminary Site Plan Approval Subject to conditions, April 24, 2024,
4. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
5. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from various agencies, all approvals are obtained, the Final Site Plan is stamped and the construction plans are reviewed and approved by the inspector
6. The Town of Orangetown Office of Building, Zoning, Planning Administration and Code Enforcement reviewed the material and does not have any comments at this time.
7. The Town of Orangetown Department of Environmental Management and Engineering (DEME) had no comments or recommendations at this time
8. The Town of Orangetown Bureau of Fire Prevention had no comments and recommendations at this time.
9. The Rockland County Department of Planning had the following comments:
 1. The applicant must comply with the conditions provided in the Rockland County Highway Department's letter of March 19, 2024 and all required permits obtained.
 2. A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
 3. The Decision in the Minutes from the April 24, 2024 Orangetown Planning Board meeting outlines additional variances needed for this proposal. We request the opportunity to review the variances required to implement the proposed site plan on this parcel and tax parcel 68.20-1-14, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).
 4. Pursuant to New York State General Municipal Law (GML) Sections 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board

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CONTINUATION OF CONDITION # 9.....

must file a report with the County's Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

5. In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County agencies are prohibited from issuing a County permit, license, or approval until the report is filed with the County's Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner's report approving the proposed action or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

10. The Rockland County Health Department offered the following comments:

- If the proposal is adding additional seating to the restaurant, review is required by this department. The applicant is to contact Patrice Robertson at 845-364-2601 to discuss the proposal.

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

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

12. The Rockland County Drainage Agency offered the following Comments:

- The above referenced site is outside the jurisdiction of the RCDA. pursuant to the Rockland County Stream Control Act, Chapter 846. Therefore, a Stream Control Act permit from the RCDA is not required for developments within this site. Also, the RCDA has no further comments regarding the proposal, pursuant to the State Environmental Quality Review (SEQR).
- The RCDA recommends that the municipal land use boards and/or departments review all development proposals for this site and ensure that developments with increase in

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CONTINUATION OF CONDITION # 12.....

impervious areas and/or land disturbances will not result any increase in stormwater runoff from the site and will have adequate measures to prevent soil erosion and control sediment from leaving the site.

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 preserve and protect existing trees to remain are as follows:

- i. No construction equipment shall be parked under the tree canopy.
- ii. There will be no excavation or stockpiling of earth underneath the trees.
- iii. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
- iv. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 1. One (1) foot radius from trunk per inch DBH
 2. 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:
- v. 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.
- vi. 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

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CONTINUATION OF CONDITION # 13.....

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

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Overrides

The Board made a motion to override comment #3 of the September 23, 2024 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reason:

- **#3.** The Decision in the Minutes from the April 24, 2024 Orangetown Planning Board meeting outlines additional variances needed for this proposal. We request the opportunity to review the variances required to implement the proposed site plan on this parcel and tax parcel 68.20-1-14, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

The Board held that the applicant already has the variances from ZBA #24-39, on July 31, 2024.

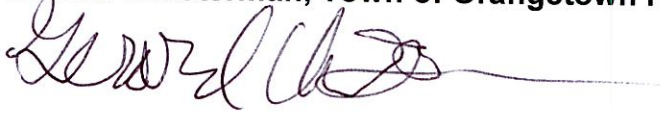
A motion to override the condition was made and moved by Bruce Bond, (Alternate Member), and seconded by Michael McCrory, and carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, Vice Chairman, aye; Michael McCrory, aye; Bruce Bond, (Alternate Member), aye; Andrew Andrews, aye; Denise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

The Foregoing Resolution was made and moved by Bruce Bond, (Alternate Member), and seconded by Andrew Andrews, and carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, Vice Chairman, nay; Michael McCrory, aye; Bruce Bond, (Alternate Member), aye; Andrew Andrews, aye; Denise Lenihan, aye; Matthew Miller, 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: October 9, 2024

Gerard Chesterman, 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 #23-49: Noonan's Backyard Dining Area
Site Plan
Final Site Plan
Subject to Conditions / NEG. DEC**

BLDR #504-22

**Town of Orangetown Planning Board Decision
October 9, 2024**

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

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

NAME OF ACTION: Noonan's Backyard Dining Area Site Plan

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

DESCRIPTION OF ACTION: Final Site Plan Subject to Conditions / NEG. DEC

LOCATION: The site is located at 16 East Central Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 1, Lot 13 & 14 in the CS zoning district.

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
26 Orangeburg 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

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