

**TOWN OF ORANGETOWN PLANNING BOARD**  
**Meeting of Wednesday, September 11, 2024**

**MEMBERS PRESENT:** Thomas Warren, Chairman  
Michael Mandel, Vice Chairman  
Andrew Andrews  
Denise Lenihan  
Lisa DeFeciani  
Bruce Bond (Alternate Member)

**MEMBER ABSENT:** Michael McCrory,

**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, Barbara Gionta, Legislative Aide, and Brendan Carton, Information Technology

Thomas Warren, Chairman called the meeting to order at 7:32 p.m.  
Mr. Warren read the agenda. Hearings as listed on this meeting's agenda which are made a part of these minutes were held as noted below:

**Continued from June 12, 2024 Meeting:**

**622 Route 303 Site Plan**

**PB #23-34**

**AI Foxie Way**

Prepreliminary/Preliminary Site Plan  
and SEQRA Review  
622 Route 303, Blauvelt  
Section 65.14/1/11.2 & 11.3; LI zoning district

**POSTPONED  
BY APPLICANT**

**New Items:**

**South Orangetown Ambulance Corp. Site Plan**

**PB #24-36**

Final Site Plan Review  
70 Independence Avenue, Tappan  
Section 74.18, Block 3, Lots 39 & 40;  
R-15 zoning district

**FINAL WITH  
CONDITIONS  
REAFFIRMATION  
OF SEQRA**

**Blue Hill Plaza Tree Remediation Plan**

**PB #24-37**

Prepreliminary/ Preliminary/ Final Site Plan  
and SEQR Review  
One Blue Hill Plaza, Pearl River  
Section 73.05, Block 1, Lot 54;  
OP zoning district

**FINAL WITH  
CONDITIONS**

**Onyx Equities Site Plan**

**PB #24-38**

Final Site Plan Review  
64 & 140 Leber Road, Blauvelt  
Section 70.06, Block 1, Lots 50.4 & 47;  
R-40/LO zoning district

**FINAL WITH  
CONDITIONS  
REAFFIRMATION  
OF SEQRA**

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**Other Business: Town Board Referral:** Proposed Local Law Amending Town Zoning Map Parcels known as 676 & 680 Western Highway, Blauvelt Section 70.05, Block 1, Lots 14.1, 14.2 and 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 Michael Mandel – Vice Chairman and seconded by Bruce Bond, (alternate member), and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel – Vice Chairman, abstain; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond, (alternate member), aye; and Andrew Andrews, aye.

**Other Business: Rockland County Department of Planning Referral:** Local Law Amending Zoning Law; Village of Grandview-on-Hudson

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

The decisions of the July 24, 2024 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel - Vice Chairman and seconded by Bruce Bond (alternate member) and carried as follows: Thomas Warren - Chairman, aye; Michael Mandel - Vice Chairman, aye; Michael McCrory, absent; Andrew Andrews, aye; Denise Lenihan, aye; Bruce Bond (alternate member), aye; and Lisa DeFeciani, abstain.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Michael Mandel - Vice Chairman and seconded by Andrew Andrews and agreed to by all in attendance. The meeting was adjourned at 8:25 p.m. The next Planning Board meeting is scheduled for September 25, 2024.

**Dated: September 11, 2024**  
**Gerard Chesterman, Town of Orangetown Planning Board**



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**PB #24-36: South Orangetown  
Ambulance Corp. Site Plan  
Final Site Plan Review Subject to Conditions  
NEG.DEC**

**BLDG Permit # 49091**

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**TO: South Orangetown Ambulance Corps., 70 Independence  
Avenue, Tappan, New York 10983**  
**FROM: Town of Orangetown Planning Board**

**PB #24-36: South Orangetown Ambulance Corp. Site Plan:** The application of South Orangetown Ambulance Corp., owner, for an Prepreliminary/ Preliminary/ Final Plan Review at a site known as "**South Orangetown Ambulance Corp.**", for tree remediation work, 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 70 Independence Avenue, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.18, Block 3, Lot 39 & 40 in the R15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **September 11, 2024** at which time the Board made the following determinations:

Donald Brenner, Attorney, Kier Levesque, Architect, Jay Greenwell, Land Surveyor, and Peter Roimishier, South Orangetown Ambulance Corp. appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated August 28, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, Director, dated September 10, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown signed by Bruce Peters, P.E., Commissioner, dated September 10, 2024.
4. interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated August 19, 2024.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated September 10, 2024.
6. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated August 14, 2024.
7. Letter from Rockland County Department of Health, signed by Elizabeth Mello, P.E., dated July 22, 2024
8. Letter from the Rockland County Parks Commission, signed by Michael Dimola
9. Notice from the Rockland County Department of Planning, signed by Jake Palant, dated July 2, 2024
10. Details Plan, prepared and signed by Jay A. Greenwell, PLS, LLC., last revised May 23, 2024.
11. Site Plan for Proposed Addition, prepared and signed by Jay A. Greenwell, PLS, LLC., last revised May 23, 2024.

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12. Subdivision Plan, prepared and signed by Jay A. Greenwell, PLS, LLC., last revised May 23, 2024.
13. Grading, Drainage & Utility Plan with Erosion Control, prepared and signed by Jay A. Greenwell, PLS, LLC., last revised May 23, 2024.
14. Drainage – Plan & Profiles, prepared and signed by Jay A. Greenwell, PLS, LLC., last revised May 23, 2024.
15. Landscape Plan prepared by Yost Design Landscape Architecture, last revised May 23, 2024
16. Lighting Plan prepared by Yost Design Landscape Architecture, last revised May 23, 2024

A motion was made to open the public portion of the Hearing 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; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond (alternate member), aye; and Andrew Andrews, aye.

There being no one from the Public, a motion was made to close the Public Hearing portion of the meeting by 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; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond (alternate member), aye; and Andrew Andrews, 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

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

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

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**DECISION:** In view of the foregoing and the testimony before the Board, the application was granted **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 #24-22. Approved with Conditions, dated May 2, 2024, Zoning Board of #23-24, Variance Approved with Specific Conditions, dated January 17, 2024, and Planning Board #19-67, Preliminary Site Plan Approval Subject to Conditions, dated October 25, 2023.
4. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
5. The Town of Orangetown Office of Building, Zoning, Planning, Administration and Enforcement has the following comments:
  1. Applicant has obtained Zoning Board approval and ACABOR approval.
  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 the construction plans are reviewed and approved by the inspector.

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6. 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 # 9-67, conditions:

- 8. The drainage calculations are currently under review. However, the calculations shall state if the perc rate given is assumed or based on a field perc test. If the perc rate is assumed, soil borings, perc tests and determination of groundwater elevations shall be performed at the drywell locations. These tests shall be performed **PRIOR** to this proposal receiving **Final Approval** to ensure the adequacy of the proposed design. This information shall be added to the drainage calculations. The tests shall be performed in the spring when the ground water table is typically at its highest. The applicant's engineer shall provide a copy of the field perc test results to this Department and the Building Department for review and approval.
- 10. The applicant/ applicant's engineer shall consider reducing the amount of impervious area (pavement) for the site. This will reduce not only stormwater runoff but the drainage facilities need to store it.
- 11. Profiles for **all** proposed drainage piping shall be added to the plans.
- 14. The plans currently show regrading within the Town owned Right-of-Way. The applicant shall obtain written approval from the Superintendent of highways for this proposed work. Also, the Town of Orangetown Highway Department shall be notified at least 48 hours prior to any and all work being performed in the Town R.O.W. A note stating the same shall be added to the drawings.
- 15. The sanitary house connection for existing Lot #74.18-3-39 shall be shown on the plan. In its entirety.
- 16. The sanitary house connection for Lot #74.18-3-39 shall be labeled and noted to be cut and capped at the main, across Independence Avenue.
- 18. The driveway opening for the new parking area is too wide, the driveway width shall be reduced to 20 feet wide.

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**CONTINUATION OF CONDITION # 6**

- 20. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to this Department 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.
  - 22. A Performance Bond will be required for this Site Plan, the value to be established in a separate letter.
2. The "±" symbol, after the total area of disturbance (a.o.d.) listed on the plan, shall be removed.
  3. Given the area that drains to CB #4 and the length & changes in direction for drainage profile "C", the applicants engineer shall revise the proposed drainage design by adding an additional catch basin to the proposed parking lot. This basin shall be located along southern curb line over the new parking lot and tie into the drywell system.
  4. Profiles for all existing drainage piping shall be added to the plans. Also, all existing drainage facilities shall be given unique ID names/numbers.
  5. Soil erosion and sediment control-catch basin protection shall be added to the existing catch basins west of the proposed 2-story addition. Silt fence shall also be added along Independence Avenue, where the expanded driveway is to be constructed.
  6. Note #29, on drawing 1 shall be revised to state -"The Town of Orangetown Sewer Inspector shall be notified at least 48 hours in advance of ANY work being done on or near the any of the existing sanitary building connections." This note shall also be added to drawing #2.
  7. The detail for the typical catch basin should be for a frame and grate utilizing Campbell Foundry model # 2617 or equal.
  8. A trench detail, for the proposed 15-inch CPP drainage piping in Independence avenue, shall be added to the drawings.

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7. The Town of Orangetown Bureau of Fire Prevention had no comments and recommendations at this time.
8. **Drainage Review – Brooker Engineering:** Sufficient information has been provided to demonstrate that potential significant impacts with respect to drainage can be mitigated. Therefore, it is recommended that the South Orangetown Ambulance Corps Site Plan and Resubdivision be approved for drainage subject to the below Project Comments.

**Project Description**

The project consists of merging of two tax lots and the construction of an addition on the south side of the existing South Orangetown Ambulance Corps building. A new parking lot will be built south of the building addition. An existing dwelling will be removed on the former tax lot. The ground slopes downhill to the south and a swale is located in the middle of the southern property line. Stormwater runoff slopes downhill to the swale from the front and rear yards. The project proposes stormwater mitigation in the form of four total drywells for about 5,805 square feet of additional impervious area.

**Project Comments**

1. As per our October 10, 2023 drainage review report, provide existing and proposed conditions drainage subarea maps with breakdowns of impervious coverage. Include the drainage subbasin intended to be conveyed to the drywell system on the Grading Plan.
  2. As per our October 10, 2023 drainage review report, remove the reference to side percolation on Item 6 of the drainage calculations.
  3. As per our October 10, 2023 drainage review report, soil test pits should be performed to verify the assumed percolation. Separation to groundwater should be verified.
9. The Rockland County Department of Planning had the following comments:
    1. The proposed addition is 4.2 feet away from the southwest corner of Tax Lot 74.18-3-19, encroaching into the required rear yard by approximately 95%. The subject site is located within a Medium Density Residential District with a single-family residence on Lot 19. Additionally, a substantial height variance is required for this addition that is in close proximity to an existing residence. It is again recommended that the proposed structure be reduced in size to better comply with the requirements of the R-15 zoning district.

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**CONTINUATION OF CONDITION # 9**

2. Only 18 of the required 57 parking spaces are provided for this proposal, which is a 68% deficit. Inadequate parking for a site that has access to a county highway can impede the safe and efficient flow of traffic and create unsafe access conditions, multiple movements to and from the roadway, and result in the need for parking within the county right-of-way. The Town must continually monitor the site to ensure that overflow parking does not occur, or that cars do not park within the county right-of-way. If it is found that there is inadequate parking and that vehicles continually park along the roadways, then the applicant must provide alternate offsite parking arrangements with a nearby user to correct this problem.
3. 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.
4. As required by the Rockland County Stream Control Act, the lot merger must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
5. A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town of Orangetown Fire Inspector, or the Tappan Fire District to ensure that the site is designed in a safe manner and there is sufficient maneuverability on the site for emergency vehicles.
6. 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.
7. The most recent Short Environmental Assessment Form (SEAF) that our department received for this proposal was submitted for the GML Section 239 Review that we issued on October 18, 2023. The SEAF was signed and dated August 13, 2019. The Planning Board must be satisfied that the 2019 SEAF is still applicable to the revised site plan, dated May 23, 2024, otherwise an updated SEAF must be submitted.
8. There shall be no net increase in the peak rate of discharge from the site at all design points.

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**CONTINUATION OF CONDITION # 9**

9. The Planning Board shall be satisfied that the snow removal areas proposed provide sufficient snow storage area for a parking lot of this size.
10. The Planning Board must be satisfied that the tree preservation program set forth by the applicant, at a minimum, meets the requirements set forth in the Town Code.
11. This 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 result in the need for less fertilizer, pesticides, and use of water. They also have deeper root systems that help prevent erosion and increased runoff into local waterbodies. A pdf titled "Native Plants for Gardening and Landscaping Fact Sheets" that lists native species and the environments in which they can grow can be found on the New York State Department of Environmental Conservation's website: <https://www.dec.ny.gov/get-involved/living-green/sustainable-landscaping>.
12. 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 pull the energy from the grid. The proposed building additions will provide additional surface area that may be conducive to the installation and use of solar panels. It is recommended that the potential use of on-site renewable energy be evaluated and strongly considered based on Article XVII Solar Energy Permitting of the Orangetown code. Likewise, the building should be designed and constructed to maximize energy efficiency.
13. This proposed project also presents an 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 our 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 the site and its residents. This department urges the Town and the applicant to take advantage of this opportunity and include this important infrastructure in the proposed site improvements.

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**CONTINUATION OF CONDITION # 9**

14. Pursuant to New York State General Municipal Law (GML) Sections 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County's Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action

15. 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 had the following comments:

1. Application must be made to the RCDOH for Review of Stormwater management system for compliance with the County Mosquito Code.

11. The Rockland County Parks Commission had no comments.

12. 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.

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**CONTINUATION OF CONDITION # 12**

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.

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.

13. 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.
14. 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.
15. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.

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16. 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).
17. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
18. 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
19. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

**Override**

The Board made a motion to override Conditions 2 of the August 14, 2024 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

**#2** Only 18 of the required 57 parking spaces are provided for this proposal, which is a 68% deficit. Inadequate parking for a site that has access to a county highway can impede the safe and efficient flow of traffic and create unsafe access conditions, multiple movements to and from the roadway, and result in the need for parking within the county right-of-way. The Town must continually monitor the site to ensure that overflow parking does not occur, or that cars do not park within the county right-of-way. If it is found that there is inadequate parking and that vehicles continually park along the roadways, then the applicant must provide alternate offsite parking arrangements with a nearby user to correct this problem.

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**CONTINUATION OF OVERRIDES.....**

The Board held that this comment had been overridden in the past and that the plans account for the necessary additional parking spaces to be added. They also held that the Right-of-Way is very wide and adequate for additional parking.

A motion to override the condition #2 was made and moved 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; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), aye; and Andrew Andrews, aye;

The foregoing Resolution was made and moved by Thomas Warren, Chairman, and seconded by Andrew Andrews, and carried as follows: Thomas Warren, Chairman, aye; Michael Mandel, Vice Chairman, aye; Michael McCrory, absent; Bruce Bond, (Alternate Member), aye; Andrew Andrews, aye; Denise Lenihan, 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: September 11, 2024  
Gerard Chesterman, Town of Orangetown Planning Board**



TOWN OF ORANGETOWN  
2024 OCT 24 A 9:05  
TOWN CLERK'S OFFICE

**PB #24-36: South Orangetown  
Ambulance Corp. Site Plan  
Final Site Plan Review Subject to Conditions  
NEG.DEC**

**BLDG Permit # 49091**

**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: South Orangetown Ambulance Corp. Site Plan**

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

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

LOCATION: 70 Independence Avenue, Tappan, New York 10983

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

Office of Building, Zoning and Planning  
Administration and Enforcement  
Town of Orangetown  
20 Greenbush Road, Orangeburg, NY 10962  
Telephone Number: 845-359-5100

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



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**PB #24-37: Blue Hill Plaza Tree  
Remediation Plan  
Final Site Plan Approval  
Subject to NEG DEC Conditions**

**BLDG-Tree 2419-22**

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**TO: Glorious Sun Blue Hill Plaza LLC, 1 Blue Hill Plaza, Pearl River,  
New York 10965**  
**FROM: Town of Orangetown Planning Board**

**PB #24-36: One Blue Hill Plaza Tree Remediation Plan:** The application of Glorious Sun Blue Hill Plaza LLC., owner, for an Prepreliminary/ Preliminary/ Final Plan Review at a site known as “**One Blue Hill Plaza Tree Remediation Plan**”, for tree remediation work, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 1 Blue Hill Plaza, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.05, Block 1, Lot 54 in the RG-8H zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **September 11, 2024** at which time the Board made the following determinations:

Lino Sciarretta, Attorney, and Elizabeth Bell, appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated August 28, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, Director, dated September 10, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown signed by Bruce Peters, P.E., Commissioner, dated September 10, 2024.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated August 19, 2024.
5. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated September 4, 2024.
6. Letter from Orange and Rockland Utilities, Signed by Alfred Gaddi, dated August 22, 2024.
7. Environmental Assessment Form, dated September 10, 2024
8. Notice from Rockland County Department of Planning indicating comments attached, signed by Jake Palant, dated August 12, 2024.
9. Notice from Rockland County Department of Planning consenting to Lead Agency, signed by Jake Palant, dated August 12, 2024
10. Notice from the Orangetown Zoning Board of Appeals indicating comments attached, signed by Michael J. Bosco, dated September 4, 2024.
11. Notice from the Orangetown Zoning Board of Appeals Consenting to Lead Agency, signed by Michael J. Bosco, dated September 4, 2024.
12. Blue Hill Plaza – Planted New Trees: Top Down Photo Renderings
13. 207 Trees To Be Removed: Top Down Drawing

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A motion was made to open the public portion of the Hearing 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; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond (alternate member), aye; and Andrew Andrews, aye.

There being no one from the Public, a motion was made to close the Public Hearing portion of the meeting by 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; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond (alternate member), aye; and Andrew Andrews, 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 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;
- 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;

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

On motion by Michael Mandel, Vice Chairman, and seconded by Andrew Andrews carried as follows: Thomas Warren, Chairman, aye; Michael Mandel, Vice Chairman, aye; Andrew Andrews, aye; Michael McCrory, absent; Bruce Bond, (Alternate Member), aye; Denise Lenihan, aye; and Lisa DeFeciani, aye, the Board declared itself Lead Agency.

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

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

1. The Town of Orangetown Office of Building, Zoning, Planning, Administration and Enforcement had no comments and recommendations at this time
2. The Town of Orangetown Department of Environmental Management and Engineering (DEME) has no comments and recommendations at this time:
3. The Town of Orangetown Bureau of Fire Prevention had no comments and recommendations at this time.

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

- This 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 result in the need for less fertilizer, pesticides, and use of water. They also have deeper root systems that help prevent erosion and increased runoff into local waterbodies. A pdf titled "Native Plants for Gardening and Landscaping Fact Sheets" that lists native species and the environments in which they can grow can be found on the New York State Department of Environmental Conservation's website: <https://www.dec.ny.gov/get-involved/living-green./sustainable-landscaping>.
- Several questions on the Short Environmental Assessment Form (SEAF) are answered incorrectly. The EAF Mapper Application, provided by the New York State Department of Environmental Conservation (<https://gisservices.dec.ny.gov/eafmapper/>), indicates that questions 12a., 12b., 13, and 15 on the SEAF should be answered affirmatively. To ensure accurate SEQRA documentation, the Town must encourage applicants to use this tool to complete the SEAF as it populates the answers to certain questions using New York State database information.
- Pursuant to New York State General Municipal Law (GML) Sections 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County's Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.
- In addition, pursuant to Executive Order O 1-2017 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. Orange and Rockland Utilities has no comments or recommendations at this time.

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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. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
13. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

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; Michael Mandel, Vice Chairman, aye; Michael McCrory, absent; Bruce Bond, (Alternate Member), aye; Andrew Andrews, aye; Denise Lenihan, 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: September 11, 2024  
Gerard Chesterman, Town of Orangetown Planning Board**



TOWN OF ORANGETOWN  
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TOWN CLERK'S OFFICE

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

**PB #24-37: Blue Hill Plaza Tree Remediation Plan  
Prepreliminary/ Preliminary/ Final Site Plan  
Final Site Plan and SEQRA Review  
Final With Conditions**

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: Blue Hill Plaza Tree Remediation Plan**

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

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

LOCATION: 1 Blue Hill Plaza, Pearl River, New York 10965

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

Office of Building, Zoning and Planning  
Administration and Enforcement  
Town of Orangetown  
20 Greenbush Road, Orangeburg, NY 10962  
Telephone Number: 845-359-5100

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



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**PB #24-38: Onyx Equities Site Plan  
Final Site Plan  
Subject to Conditions  
NEG DEC**

**Permit # BLDC 3812-23**

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**TO: Onyx Equities, 64 Leber Road, Blauvelt, New York 10913  
FROM: Town of Orangetown Planning Board**

**PB #24-36: Onyx Equities Site Plan:** The application of Onyx Equities Site Plan, by the applicant Onyx Management Group, LLC., on behalf of PG-OE 140 Leber Road Owner LLC., owner, for an Prepreliminary/ Preliminary/ Final Plan Review at a site known as "**Onyx Equities**", for tree remediation work, 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 64 & 140 Leber Road, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.06, Block 1, Lot 50.4 & 47 in the R1-40/LO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **September 11, 2024** at which time the Board made the following determinations:

Seth Mandelbaum, appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated August 28, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, Director, dated September 10, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown signed by Bruce Peters, P.E., Commissioner, dated September 10, 2024.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated August 19, 2024.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated September 10, 2024.
6. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated September 4, 2024.
7. Letter from the Rockland County Health Department, signed by Elizabeth Mello dated August 6, 2024
8. Letter from the Rockland County Highway Department, signed by Dyan Rajasingham, dated August 7, 2024
9. Notice from Rockland County Department of Planning indicating comments attached, signed by Jake Palant, dated July 26, 2024.
10. Response letter from Dynamic Engineering, signed by Robert P. Freud PE, PP, dated July 12, 2024
11. Letter from Seth Mandelbaum of McCullough, Goldberger & Staudt, LLP, dated July 11, 2024

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12. Site Plan prepared by Dynamic Engineering, last revised July 11, 2024

- Sheet NO. 1 of 30: Cover Sheet
- Sheet NO. 2 of 30: Ariel Map
- Sheet NO. 3 of 30: Existing Conditions Plan
- Sheet NO. 4 -5 of 30: Demolition Plan "A"-“B”
- Sheet NO. 6 of 30: Overall Site Plan
- Sheet NO. 7-8 of 30: Site Plan "A"-“B”
- Sheet NO. 9 of 30: Overall Grading Plan
- Sheet NO. 10-11 of 30: Grading Plan "A"-“B”
- Sheet NO. 12 of 30: Overall Drainage and Utility Plan
- Sheet NO. 13-14 of 30: Drainage and Utility Plan "A"-“B”
- Sheet NO. 15-16 of 30: Storm Profiles
- Sheet NO. 17-18 of 30: Landscape Plan "A"-“B”
- Sheet NO. 19-20 of 30: Lighting Plan "A"-“B”
- Sheet NO. 21-22 of 30: Soil Erosion and Sediment Control Plan "A"-“B”
- Sheet NO. 23 of 30: Soil Erosion and Sediment Control Notes
- Sheet NO. 24-28 of 30: Construction Details
- Sheet NO. 29 of 30: Vehicle Circulation Plan (Car Carrier Trailer)
- Sheet NO. 30 of 30: Vehicle Circulation Plan (Fire)

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; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond (alternate member), aye; and Andrew Andrews, aye.

Kristy Tinto, 60 Leber Road, Blauvelt. Questioned if the conservation easement would be included.

There being no one else from the Public, a motion was made to close the Public Hearing 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; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond (alternate member), aye; and Andrew Andrews, 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.

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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, and the applicant's consultant and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Planning, 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;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall comply with all relevant and applicable conditions of all previous Board Decisions: Addendum to Planning Board #24-08, Plan Approval Subject to Conditions, dated June 4, 2024, Planning Board #24-08, Preliminary Site Plan Approval Subject to Conditions, dated March 27, 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

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6. The Town of Orangetown Department of Environmental Management and Engineering (DEME) has the following comments:
  1. The initial Soil testing data has produced results that require the post construction stormwater management facilities to be redesigned / modified. As such, additional soil analysis, determination of bedrock location (depth), perc tests (if applicable) and determination of groundwater elevations shall be performed at the stormwater planter system location. These tests/ investigations shall be performed in the spring or late fall when the ground water is typically at its highest. These tests should 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 SWPPP and drainage calculations. This department shall be notified at least 48 hours in advance of these field tests/investigations. Copies of all correspondences related to these issues shall be submitted to this department.
  2. The revised SWPPP supplied is under review. A formal review shall be sent to the applicant's engineer under separate cover. However, below is a tentative list of corrections/ additions needed to the SWPPP:
    - a. The **Executive Statement** (Section I) - page 1 - shall list the date of the specific (new) *New York State Stormwater Management Design Manual* (NYS-SMDM) used for the storm water design of this project.
    - b. The **Executive Statement** (Section I) - page 2- shall list the **specific criteria** from the NYS-SMDM that was utilized/ followed to design the proposed subsurface "R-Tank" stormwater detention system.
    - c. Table 3.4 of the NYS-SMDM specifically states that "*An underground storage system is a subsurface stormwater system suitable for sites within high-density urban areas.*") As this proposed project is not within a "high-density urban area," the SWPPP shall fully explain why the proposed subsurface storm water system was chosen and how this system complies with the specific language and spirit of the NYS-SMDM.
    - d. The **Executive Statement** (Section I) - page 2- the proposed construction phasing shall be more fully described. It shall also detail how the proposed demolition ties into the phasing presented.

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CONTINUATION OF CONDITION # 6.....

- e. The **Executive Statement** (Section I) shall clearly **reference how** Chapter 5• Green Infrastructure, of the *New York State Stormwater Management Design Manual* (NYS-SMDM) and **explain how** this chapter is being satisfied by the stormwater management design proposed.
  - f. The Sequence of Construction shall include the a.o.d. limit phasing, demolition, soil erosion and sediment control device installation and removal timing, approximate timing for each item, amount of disturbance for each item, etc.
  - g. The SWPPP shall document that the construction activity is not within an archeologically sensitive area indicated on the sensitivity map, and that the construction activity is not located on or immediately adjacent to a property listed or determined to be eligible for listing on the National or State Registers of Historic Places, and that there is no new permanent building on the construction site. Also, document that SHPA Section 14.09 has been completed by NYS DEC or another state agency
3. The dimensions of the proposed stormwater planter shall be added to drawings 6 - 14, on all drawings which depict the planter. Also, the proposed contours on the north side of the planter shall be added to drawing 13.
4. As per table 5.15 of the new Stormwater Management Design Manual (page 60), the proposed planter must be at least 10 feet (horizontal separation) from any "*structures without foundation waterproofing*" (e.g. retaining wall.) The proposed planter shall be relocated to meet this provision.
5. The "blow-ups" of all of the proposed stormwater management systems (quality and quantity) shall include multiple cross-sections (that include locations where any and conveyance piping connections are located), storage volume for given design storms, practice specific buffers (if applicable), practice specific plantings (for stormwater planter), etc.

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**CONTINUATION OF CONDITION # 6.....**

6. All of the proposed access ports for the subsurface stormwater detention basin (R-Tank system) shall be clearly shown and labeled on all plans in which the system is shown. Also, it appears that a number of the access ports are currently located within proposed parking spaces. This is unacceptable as there will most likely be vehicles parked over these access ports, thereby negating the ability for free and unencumbered inspection. All access ports shall be placed in open areas where inspection availability is not limited.
7. The proposed construction phasing plans, Appendix U of the SWPPP, shall be added to the drawing set, immediately preceding the demotion plans (drawings 4-5.) Also, the proposed phases (areas) shall be added to drawings 4-5 & 9-14.
8. All of the testing locations shall be added to drawings 6- 14, utilizing the same nomenclature from the stormwater investigation report (Appendix D of the SWPPP.)
9. The proposed stormwater planter layout is missing the required perforated underdrain, that must run parallel underneath the planter. This shall be added to all the plans and the length, material and size of the piping noted.
10. The location of the proposed storm water practice signs shall be shown on the drawings.
11. The detail for the proposed retaining wall(s) - drawing 24-is stamped "Not for Construction." Details acceptable for construction shall be added to the drawings.
12. The unique ID name/ number for **all existing stormwater facilities** shall be added to the drainage plan drawings.
13. As-Builts shall be submitted to the Department for review and approval for the proposed stormwater management systems.
14. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to this Department and the Town Attorney's office for review and approval. Said agreement shall include a maintenance and management schedule, inspection checklists, contact person with telephone number, yearly report to be submitted to this Department, etc.

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**CONTINUATION OF CONDITION # 6.....**

15. The Soil erosion and sediment control **symbols** shall conform to NYSDEC standards.
  16. The ALTA survey plans in Appendix V of the SWPPP shall be added to the full-scale plan set.
  17. Iron pins shall be drawn and labeled **at each** property corner. If not currently installed, applicant shall label as such & install.
  18. A note shall be added to the Site Plan indicating the source benchmark for the referenced datum (including the BM elevation.)
7. The Town of Orangetown Bureau of Fire Prevention had no comments and recommendations at this time.
8. **Drainage Review – Brooker Engineering**  
The application has provided sufficient information to demonstrate that potential significant impacts with respect to drainage can be mitigated. The Drainage Consultant therefore recommend that the Onyx Equities, LLC Site Plan be approved for drainage subject to no conditions.

**Project Description**

This is the consultants third drainage review report for this project; the last review was dated March 26, 2024. The proposed action consists of the construction of an accessory parking lot for the storage of cars that are preordered by an off-site car dealership. Stormwater runoff flows downhill in a northerly direction and is tied into the on-site storm drainage system for the developed lot to the north. An underground stormwater infiltration system of 2,400 linear feet of 36-inch diameter storm drainage piping is proposed to provide stormwater mitigation. The system provides 48,000 SF of stormwater detention for 212,137 SF of new impervious area, which equates to approximately 2.7 inches of rainfall runoff storage.

**Comments**

1. Previous Project Comments have been addressed.
9. The Rockland County Department of Planning had the following comments:
1. The applicant must comply with the letter from the Rockland County Highway Department, dated August 7, 2024, and all required permits obtained.

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2. The applicant must comply with the letter from the Rockland County Department of Health, dated August 6, 2024, and an application is to be made to the Department of Health for review of the stormwater management system to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
3. The Town must be satisfied that all concerns provided in the Orangetown Fire Inspector's letter of January 9, 2024 have been addressed. In addition, the Rockland County Office of Fire and Emergency Services or the Blauvelt Fire District shall be given the opportunity to review this proposal ensure that the site is designed in a safe manner, and there is sufficient access to and maneuverability on the site for emergency vehicles. The Fire Department's assessment should include the potential impacts and risks from the volume of electric vehicles on this site.
4. This department, again, expresses concerns regarding the Vehicle Circulation Plan (Fire). The plan demonstrates the turning radius of a fire truck in close contact with several of the parking spaces along the east and west sides of the parking area. Sufficient maneuverability space must be provided to ensure that fire truck access is not obstructed by any parked vehicles.
5. The subject property directly abuts a right-of-way owned by CSX to the northeast. CSX shall be given the opportunity to review the proposal and any of their concerns shall be addressed.
6. 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.
7. There shall be no net increase in the peak rate of discharge from the site at all design points.
8. This department has not received a copy of the Stormwater Pollution Prevention Plan (SWPPP) for this site. The Town must be satisfied with the level of analysis in the most recent SWPPP and that it conforms to the current regulations including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.

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**CONTINUATION OF CONDITION # 9.....**

9. To help reduce the impact of this development, reduction of impervious surface should be considered. It is recommended that porous pavers or porous concrete be considered to replace the use of conventional asphalt. If installed correctly and properly maintained porous pavers have been shown to be effective in helping manage off-site runoff of stormwater. In addition to permeable pavers, other green infrastructure techniques should be considered such as bioswales, rain gardens, and rainwater capture. For long term effectiveness of permeable pavers and other green infrastructure techniques it is recommended that the Village and the applicant review Chapter 5 "Green Infrastructure Practices" of the 2015 NYSDEC Stormwater Design Manual.
  10. Retaining walls shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.
  11. Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County 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.
  12. In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner 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:
- Application is to be made to the RCDOC for review of the stormwater management system for compliance with the County Mosquito Code.

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11. The Rockland County Highway Department offered the following comments:
- A road work permit shall be required from the Rockland County Highway Department prior to starting any construction activities in the site, if the proposed action is approved by the Town
12. The use of the two wooded strips of the property that connect to Leber Road is to be restricted. As previously discussed, all access to the Property will be through the Hudson Crossing Industrial Park and no access from Leber Road is proposed. The Applicant proposes that the Board's Final Site Plan approval include a condition to this effect, enforceable by the Town, to ensure that Leber Road is not used to access the Property. Leber road will not be used for egress or access to the Hudson Crossing Industrial Park.
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:

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**CONTINUATION OF CONDITION # 13.....**

- 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  $\frac{3}{4}$  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.
- 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 (applicants' engineer's) recommendations to correct the condition(s), or order a

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**CONTINUATION OF CONDITION # 17.....**

modification thereof. In the event of the applicant's (applicant's engineer's) disagreement with the decision of DEMA, 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.

The foregoing Resolution was made and moved by Bruce Bond, (Alternate Member), and seconded by Andrew Andrews, and carried as follows: Thomas Warren, Chairman, aye; Michael Mandel, Vice Chairman, aye; Michael McCrory, absent; Bruce Bond, (Alternate Member), aye; Andrew Andrews, aye; Denise Lenihan, 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: September 11, 2024  
Gerard Chesterman, Town of Orangetown Planning Board**



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**PB #24-38: Onyx Equities Site Plan**  
**Final Site Plan**  
**Subject to Conditions**  
**NEG DEC**

**Permit # BLDC 3812-23**

**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: Onyx Equities Site Plan**

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

**DESCRIPTION OF ACTION: Preliminary Site Plan Review**  
LOCATION: 64 & 140 Leber Road Blauvelt, New York 10913

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

Office of Building, Zoning and Planning  
Administration and Enforcement  
Town of Orangetown  
20 Greenbush Road, Orangeburg, NY 10962  
Telephone Number: 845-359-5100

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



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