

TOWN OF ORANGETOWN PLANNING BOARD
Meeting of Wednesday, September 25, 2024

MEMBERS PRESENT: Thomas Warren-Chairman, Michael Mandel - Vice Chairman, Andrew Andrews, Denise Lenihan, Michael McCrory, Bruce Bond (alternate member), Matthew Miller (Not Voting)

MEMBER ABSENT: Lisa DeFeciani

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 7:34 p.m.

Mr. Warren read the agenda. Hearings as listed on this meeting's agenda which are made a part of these minutes were held as noted below:

Continued Item from July 12, 2023:

**Temple Israel Memorial Park
Amendment to Filed Site Plan**
Prepreliminary/Preliminary Site Plan
and SEQRA Review
75 Van Wyck Road, Blauvelt
69.20/2/28, R-15 zone district

PB #23-35

**FINAL WITH
CONDITIONS**

Continued Item from September 27, 2023:

Dynamic Event Group Site Plan
Final Site Plan Review
877 Western Highway and
200/400 Oritani Drive, Blauvelt
70.06/1/1.2 and 65.18/1/1 & 22;
LO zoning district

PB #19-13

**PRELIMINARY WITH
CONDITIONS**

New Items:

Amazon Delivery Center Site Plan
Final Site Plan Review
877 Western Highway and
200/400 Oritani Drive, Blauvelt
70.06/1/1.2 and 65.18/1/1 & 22;
LO zoning district

PB #24-39

**FINAL WITH
CONDITIONS**

Nice Pak/ PDI Site Plan
Prepreliminary/ Preliminary/
Final Site Plan and SEQRA Review
2 Nice Pak Park, Orangeburg
74.07/1/16; LIO zoning district

PB #24-40

**FINAL WITH
CONDITIONS**

25 Whittier Road Subdivision Plan
Prepreliminary/ Preliminary/
Final Subdivision and SEQRA Review
25 Whittier Road, Blauvelt
65.18/1/13, R-40/LO zone district

PB #24-41

**FINAL WITH
CONDITIONS**

TOWN OF ORANGETOWN
2024 OCT 24 A 9:12
TOWN CLERK'S OFFICE



Palisades Free Library Site Plan
Palisades Historic District –
Building Addition
Prepreliminary/ Preliminary/
Final Site Plan and SEQRA Review
19 Closter Road, Palisades
78.17/2/22; R-40 zoning district

PB #24-42

**PRELIMINARY WITH
CONDITIONS**

Wyman-Fisher Addition Site Plan
Prepreliminary/ Preliminary/ Final Site
Plan and SEQRA Review
96-100 Franklin Avenue, Pearl River
68.20/2/70; CS zoning district

PB #24-43

**PRELIMINARY WITH
CONDITIONS**

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Bruce Bond (Alternate Member) and seconded by Denise Lenihan and agreed to by all in attendance. The meeting was adjourned at **10:34** p.m. The next Planning Board meeting is scheduled for October 9, 2024.

Dated: September 25, 2024
Town of Orangetown Planning Board



TOWN OF ORANGETOWN
OCT 24 9:13
TOWN CLERK'S OFFICE

**PB #23-35: Temple Israel Memorial Park
Amendment to Filed Site Plan
Final Site Plan Review Subject to Conditions
NEG. DEC.**

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 1 of 8**

**TO: Lawrence Kintisch, Congregation Sons of Israel of Nyack, 300
N Broadway, Nyack, New York 10960**
FROM: Orangetown Planning Board

RE: Temple Israel Memorial Site Plan Amendment: The application of Lawrence Kintisch, applicant for Congregation Sons of Israel of Nyack, Owner, for Prepreliminary/ Preliminary/ Final Site Plan Amendment, PB#12-32, dated August 1, 2012, at a site known as "Temple Israel Memorial Site Plan", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 75 Van Wyck Road, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.20, Block 2, Lot 28 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, July 12, 2023, and Wednesday, September 25, 2024**, the Board made the following determinations:

July 12, 2023

Lawrence Kintisch, Applicant and Owner, and Dennis Letson, P.E., appeared and testified.

1. Project Review Committee Report dated June 28, 2023.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement (OBZPAE), Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated July 6, 2023.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 7, 2023.
4. Interdepartmental memorandum from the Fire Prevention Bureau, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated May 19, 2023.
5. Letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated March June 15, 2023.
6. Letter from Rockland County Department of Health, signed by Elizabeth Mello, PE, dated June 26, 2023.
7. Short Environmental Assessment Form, signed by Lawrence Kintisch, Dated July 6, 2024.
8. Notice from the Rockland County Department Planning, specifying comments attached, signed by Jake Palant, dated May 24, 2024, 2024.
9. Notice from the Rockland County Department of Health, specifying comments attached, signed by Elizabeth Mello, dated June 26, 2024.

TOWN CLERK'S OFFICE

2024 OCT 24 9:13

TOWN OF ORANGETOWN

**PB #23-35: Temple Israel Memorial Park
Amendment to Filed Site Plan
Final Site Plan Review Subject to Conditions
NEG. DEC.**

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 2 of 8**

10. Notice from the Rockland County Highway Department requesting no future correspondence, signed by Dyan Rajasingham, dated June 1, 2024.
11. Project Narrative submitted by the applicant, dated April 17, 2023,
12. Proposed Driveway Extension & Mosquito Control Plan. Prepared by Thomas W. Skrable, P.E. Last revised September 16, 2012
13. Hydraulic Analysis and Stormwater Management Design for Modification to Site Plan Driveway Extension Temple Israel Memorial Park, prepared by Dennis. M Letson P.E. dated March 31, 2023

The Board reviewed the plans. The meeting was open to the public

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

Public Comment:

Nancy Antonucci, 102 Swanekin Road, Blauvelt. Stressed concern with water runoff.

Steve Liscio, 110 Swanekin Road, Blauvelt. Expressed concern with water runoff.

John Lafrancois, 86 Swanekin Road, Blauvelt. Stressed concern regarding flooding, suggesting that nothing is being done to address it.

Vincent Costa, 94 Swanekin Road, Blauvelt. Stressed concern regarding flooding, suggesting that nothing is being done to address it.

Jerry Linehan, 80 Swanekin Road, Blauvelt. Stressed concern regarding flooding, suggesting that nothing is being done to address it.

Vanessa Lapins, 659 Western Highway, Blauvelt. Mentioned that an open space report should be considered.

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 second by Andrew Andrews and carried as follows: Thomas Warren - Chairman, absent; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Andrew Andrews, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Kevin Farry, aye, Tara Heidger, (alternate member), absent and Michael McCrory, aye.

The applicant requested a CONTINUATION.

TOWN CLERK'S OFFICE

2024 OCT 24 A 9:13

TOWN OF ORANGETOWN

**PB #23-35: Temple Israel Memorial Park
Amendment to Filed Site Plan
Final Site Plan Review Subject to Conditions
NEG. DEC.**

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 3 of 8**

September 25, 2024

Lawrence Kintisch, Applicant and Owner, and Dennis Letson, P.E., appeared and testified The Board received the following communications:

1. Project Review Committee Reports dated September 11, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, Director, Deputy Building Inspector September 20, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 24, 2024.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated September 9, 2024.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated September 24, 2024.
6. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated September 20, 2024
7. Letter/email exchange from the Palisades Interstate Parkway Commission, dated August 19, 2024
8. Site Plan Modification Part Site Plan, Detail and Notes, prepared by Dennis M. Letson, P.E. & Associates, dated March 13, 2024.
9. Temple Beth Israel Memorial Park: Site Plan Modification Part Site Plan. Detail & Notes, prepared and signed by Dennis M. Leston, P.E. & Associates Consulting Engineer, dated March 13, 2024.

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

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

Public Comment

Nancy Antonucci, 102 Swanekin Road, Blauvelt. Stressed issue with a fence being proposed adjacent to her property. Also brought up the issue of flooding in relation to proposed blacktop.

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

TOWN CLERK'S OFFICE

2024 OCT 24 A 9:13

TOWN OF ORANGETOWN

**PB #23-35: Temple Israel Memorial Park
Amendment to Filed Site Plan
Final Site Plan Review Subject to Conditions
NEG. DEC.**

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 4 of 8**

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

1. The following note shall be placed on the subdivision 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. 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 Town of Orangetown Department of Building, Zoning, Planning Administration and Enforcement reviewed the plans and offered the following Comments
 1. The cemetery received a SPECIAL PERMIT from the ZBA on June 20, 2012, ZBA#12-36.
 2. OBZPAE does not object to the request.
 3. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Site Plan is stamped by the Chief Clerk to the Board and the construction plans are reviewed and approved by the inspector.
4. The Town of Orangetown Department of Environmental Management and Engineering reviewed the information and offered the following comments:
 1. The drainage calculations that were submitted (last updated 8/05/23) are acceptable.
 2. All of this Department's previous comments/ recommendations have been addressed/ satisfied
5. The Bureau of Fire Prevention reviewed the information and does not have any comments at this time.

TOWN CLERK'S OFFICE

2024 OCT 24 A 9:13

TOWN OF ORANGETOWN

**PB #23-35: Temple Israel Memorial Park
Amendment to Filed Site Plan
Final Site Plan Review Subject to Conditions
NEG. DEC.**

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 5 of 8**

6. Drainage Review – Brooker Engineering

Based on the information provided, there are no potential significant adverse impacts with respect to stormwater runoff that require mitigation. Therefore, we recommend that the Temple Israel Memorial Park Site Plan be approved for drainage subject to the following Project Comment.

Project Description

This is our first drainage review report for project. The project consists of addressing additional impervious area constructed for the cemetery driveway beyond the approved site plan, totaling 480 SF of additional pavement. An existing infiltration trench located on the west side of the driveway will be lengthen and widening to provide the required flood storage. The new infiltration trench will have a four-inch valley to promote groundwater infiltration. The existing drainage pattern will be maintained, and all surface runoff flow from the driveway will flow through the infiltration trench. The drainage calculations provide stormwater mitigation for the as-built construction of the driveway.

Project Comment

1. Provide maintenance and inspection schedule for the infiltration trench on the Site Plan.
7. The Rockland County Department of Planning reviewed the plans and offered the following comments.
1. The proposed site plan amendment is deemed to have no significant county-wide or inter-community impact under the New York State General Law 239; therefore the action is a local decision.
8. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plats prior to signing the final plans.
9. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.
10. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Subdivision Plan Approval pursuant to Town Code §21 and §6A.

TOWN CLERK'S OFFICE
2024 OCT 24 A 9:13
TOWN OF ORANGETOWN

**PB #23-35: Temple Israel Memorial Park
Amendment to Filed Site Plan
Final Site Plan Review Subject to Conditions
NEG. DEC.**

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 6 of 8**

11. TREE PROTECTION: The following note shall be placed on the Subdivision 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.

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.

12. All landscaping shown on the subdivision plan shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

TOWN CLERK'S OFFICE
2024 OCT 24 A 9:13
TOWN OF ORANGETOWN

**PB #23-35: Temple Israel Memorial Park
Amendment to Filed Site Plan
Final Site Plan Review Subject to Conditions
NEG. DEC.**

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 7 of 8**

13. Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.
14. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
15. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).
16. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
17. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications
18. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

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

TOWN CLERK'S OFFICE
2024 OCT 24 A 9:13
TOWN OF ORANGETOWN

**PB #23-35: Temple Israel Memorial Park
Amendment to Filed Site Plan
Final Site Plan Review Subject to Conditions
NEG. DEC.**

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 8 of 8**

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 25, 2024
Gerard Chesterman, Town of Orangetown Planning Board



TOWN OF ORANGETOWN
2024 OCT 24 A 9:13
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 1 of 17**

**TO: Ron Panicucci, PE, Lan Associates, 445 Godwin Avenue, Suite
9, Midland Park, New Jersey 07432**
FROM: Orangetown Planning Board

RE: Dynamic Productions Site Plan Review: The application of Dynamic Event Group INC., applicant for 300 Blaisdell Reality, LLC, Owner, for Prepreliminary/ Preliminary/ Final Site Plan, at a site known as "Dynamic Productions", 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 300 Blaisdell Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.20, Block 1, Lot 1.2 in the L10 zoning district.

This item had been scheduled to be heard at the March 13, July 31, and the September 9, 2019 meetings, all postponed by the applicant. The item was heard by the Planning Board of the Town of Orangetown at a virtual meeting held **October 14, 2020** and at an in-person meeting held **September 27, 2023 and a September 25, 2024** at which time the Board made the following determinations:

October 14, 2020

Ron Panicucci appeared and testified.

The Board received the following communications:

1. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated March 10, 2019 and July 26, 2019.
2. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., March 9, 2019, March 10, 2019 and July 25, 2019.
3. Interdepartmental letter from the Town of Orangetown Bureau of Fire Prevention, signed by Douglas A Sampath, dated July 3, 2019.
4. Letters from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated March 6, 2019 and September 9, 2019.
5. Letters from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated March 5, 2019 and July 25, 2019.
6. Letters from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated March 1, 2019, March 9, 2019 and July 30, 2019.
7. Letters from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated February 13, 2019 and Joseph Arena, dated February 20, 2019.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated February 25, 2019. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated February 6, 2019.

2024 OCT 24 9:13
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 2 of 17**

9. Plans prepared by Lan Associates, dated March 15, 2018, last revision date of June 25, 2019:
 - SP.01: Existing Site Plan
 - SP.21: Proposed Site Plan
10. A Short Environmental Assessment Form signed by Ron Panicucci, P.E., dated June 26, 2018.
11. Building Permit Referral to the Planning Board dated March 19, 2018, prepared by Rick Oliver, Building Inspector.
12. Project Narratives prepared by Ira Emanuel, Attorney for Applicant, dated June 25, 2019, Lan Associates dated February 1, 2019 and Klein & Klein, dated March 22, 2018 and.

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

There being no one from the Public, a motion was made to close the Public Hearing portion of the meeting by Bruce Bond and seconded by Stephen Sweeney and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Michael McCrory, aye; Robert Dell, aye; Stephen Sweeney, aye, and Bruce Bond, aye.

The applicant requested a **CONTINUATION** of the application.

September 27, 2023

Ron Panicucci appeared and testified.

The Board received the following communications:

1. Project Review Report dated September 13, 2023.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated March 7, 2023.
3. Interdepartmental memorandum from the Department of Environmental, Management, signed by Bruce Peters dated March 6, 2023.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated February 21, 2023.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated March 8, 2023.
6. Letter and Notice from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated March 1, 2023 and Notice from Jake Palant.
7. Letter and Notice from Rockland County Department of Health, dated February 16, 2023.
8. Notice and Letter from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated February 21, 2023.
9. Letter from Rockland County Sewer District No.1, dated February 17, 2023, signed by Joseph LaFiandra, Engineer II.
10. Notice from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, Acting Chair, dated February 15, 2023.

TOWN CLERK'S OFFICE
SEP 24 9:13
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 3 of 17**

11. Copy of the Short Environmental Assessment Form, dated January 27, 2023, signed by Ronald Panicucci, P.E. I.
12. Site Plan prepared by JMC Engineering dated October 18, 2023.
13. Referral from the Building Department signed by Rick Oliver, dated October 18, 2023.

The Board reviewed the application.

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

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

September 25, 2024

Ira Emanuel and Ronald Panicucci, appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated September 11, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement (OBZPAE), Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated April September 20, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 24, 2024.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated September 9, 2024.
5. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated September 16, 2024.
6. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE., dated September 24, 2024.
7. Letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated September 16, 2024.
8. Letter from Rockland County Department of Health, signed by Elizabeth Mello, PE, dated July 22, 2024.
9. Letter from the Rockland County Highway Department, Signed by Dyan Rajasingham, Engineer III, dated July 24, 2024

TOWN CLERK'S OFFICE

2024 OCT 24 A 9:13

TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 4 of 17**

10. A letter/notice from Rockland County Department of Planning, signed by Jake Palant, dated July 15, 2024.
11. Applicant letter prepared and signed by Ira Emanuel P.C., dated June 20, 2024
12. Applicant letter responding to the comments from the Planning Board made at the September 27, 2023 meeting, signed and prepared by Ronald Panicucci, P.E., LAN Associates, Engineering, Planning, Architecture, Surveying, INC. dated June 20, 2024.
13. Proposed Building Addition, prepared by LAN Associates, dated May 23, 2023
14. Proposed site Modifications at Dynamic Event Group, INC., prepared by LAN Associates, last revised June 13, 2024:
 - SP.11: Existing & Demolition Site Plan
 - SP.21: Proposed Site Plan
 - SP.31: Proposed Drainage Plan
 - SC.01: Soil erosion and Sediment Control Plan

The Board reviewed the plan. The meeting was open to the public.

Public Comment:

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

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 second by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel- Vice Chairman, aye; Lisa DeFeciani, absent; Bruce Bond (Alternate Member), aye Michael McCrory, 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

TOWN CLERK'S OFFICE
2024 OCT 24 9:14
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 5 of 17**

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.

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

TOWN CLERK'S OFFICE
OCT 24 9:14
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 6 of 17**

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

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

1. The following note shall be placed on the subdivision 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. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.
4. Continue White Spruce evergreen landscaping along the fence line on Hunt Road with a mix of evergreen species that are deer resistant.
5. The Town of Orangetown Department of Building, Zoning, Planning Administration and Enforcement reviewed the Information and has the following comments:
 1. Chapter 43, Table 3.11, LIO District Columns 2,5 and 7 refer you to the LO District.
 2. Chapter 43, Table 3.11, LIO District Columns 2,5 and 7 refer you to the LO District.
 - 2) All Offices, laboratories, manufacturing of prototype products, accessory storage and all accessory off-street loading berths shall be in completely enclosed buildings, a use variance is required and, in addition:

TOWN CLERK'S OFFICE

SEP 25 9:14 AM 2024

TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision
September 25, 2024
Page 7 of 17

CONTINUATION OF CONDITION # 4.....

- A. All areas not used for building or for accessory off-street parking shall be suitably landscaped and maintained in good condition. Screening shall be provided in the manner required by any board or town agency having jurisdiction, and prior to the issuance of the Building Permit, the proposed screening plans shall be submitted to and approved by any board or town agency having jurisdiction.
- 3) No parking is permitted in any required yard, unless permitted by any board or town agency having jurisdiction. This permission may be given at the time of site review...
3. Chapter 43, Table 3.11, LO District Column 7, #1, refers you to the **R-80** District.
4. Per Table 3.11, Column 7, R-80 District;
- 2) In addition to the particular requirements for uses in Columns 2, 3, 4 and 5, any board or town agency having jurisdiction may require adequate fences and other safety devices and adequate landscaping and screening. The landscaping and screening plan shall be approved by the board or town agency having jurisdiction prior to the issuance of a building permit. Such screening must actually screen what is to be screened. A new use that is, in the opinion of the board having jurisdiction, sufficiently detrimental to adjoining and surrounding properties and cannot be screened to protect the property values adjoining and surrounding the proposed use shall not be permitted, notwithstanding the provisions of the use table.
 - 10) No trucking movement of any kind shall be permitted in any district between the hours of 11:00 pm and 6:00 am, prevailing time, unless permission has been granted by the Zoning Board of Appeals.
- In the letter submitted on September 11, 2020 by Ira M. Emanuel, P.C., page 4, paragraph 5, "*The applicant does, however, intend to carry on its business at the site, which will include the return of its own equipment to the site between the hours of 11:00 pm and 6:00 am.*" Zoning Board approval is required.
5. Per Chapter 43, Table 3.12 Table of Bulk Regulations, the following variances are required;

TOWN CLERK'S OFFICE

2024 OCT 24 9:14

TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 8 of 17**

CONTINUATION OF CONDITION # 4.....

- A. Column 8, front yard required is 100 feet with 97.2 feet proposed to the new addition.
 - B. Column 9, side yard required is 100 feet with 91.9' proposed to new intermodal storage containers.
 - C. Column 11, rear yard required is 100 feet with 75.9' proposed to the new addition
6. Per Chapter 43, Article V the following variances are required;
- A. Section 5.153. Location of accessory buildings or structures. No accessory building or structure, shall be closer to any principal building or to any other accessory building or structure than a distance equal to the height of such accessory building or structure, and in no event less than 15 feet.
 - B. Section 5.22, All required yards, courts and usable open spaces shall be unobstructed ... 91.9 feet is proposed to the new permanent intermodal storage containers on the south side of the building.
7. Per Chapter 43, Article IX, Section 9.2, Degree of non-conforming bulk not to be increased. Variance required.
8. ACABOR review and approval for the site plan and building addition is required.
9. 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 and the Final Site Plan is stamped and signed by the Planning Board Chairman and the building inspector has reviewed and approved the construction plans.
6. The Town of Orangetown Department of Environmental Management and Engineering (DEME) reviewed the information and offered the following comments:
- 1. The revised Stormwater Management Design report is under review. However, the total a.o.d. shall be stated in the first paragraph of the report (under Stormwater Management Design.)
 - 2. Every new stormwater/ drainage pipe shall be individually labeled, including the size, material, slope and length on drawing SP.31.

TOWN CLERK'S OFFICE
2024 OCT 24 A 9:14
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 9 of 17**

CONTINUATION OF CONDITION # 5.....

3. Unique ID names/ numbers shall be provided for every existing and proposed stormwater facility depicted on drawing SP.31 & SC.0 I.
 4. Profiles shall be provided for all proposed stormwater piping systems.
 5. The revised soil erosion and sediment control plan is under review. However, the detail for the stabilized construction entrance shall be revised and labeled to be 24-feet wide.
 6. A post construction storm water maintenance agreement for all of the proposed stormwater facility improvements 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, individual inspection checklists for all existing and proposed stormwater facilities, contact person with cell phone number, yearly report to be submitted to this Department, etc.
 7. The datum for the contours shall be given. 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 reviewed the information and offered the following comment:
1. Show that a Fire Apparatus, with the attached dimensions, can maneuver the property from both directions. Dimensions shown on the plan are incorrect.
 2. What is the height of the existing building? Over 30' will require an Arial Access Road.
 3. Provide a man gate in the proposed fence to allow access to the Fire Department Connection.
 4. Will the equipment stored on the grass on the north side of the building be removed?
 5. Can the proposed hydrant be moved closer to the north side entrance? Show closest existing hydrant on Blaisdell Road to the site.

Construction plans should include the following information:

- Installation of a NFPA 13 compliant sprinkler system

TOWN CLERK'S OFFICE
OCT 24 9:14
TOWN OF ORANGETOWN

CONTINUATION OF CONDITION # 6.....

- Installation of a fire alarm system to the NFPA 72 standard
- Installation of a key lock box
- Emergency Responder Radio Coverage within the building 2020 NYS IFC 510.1 if required.

8. Drainage Review – Brooker Engineering

The application has demonstrated mitigation of potential significant adverse impacts with respect to stormwater runoff. It is therefore recommended that the Dynamic Site Plan be approved for drainage subject to no conditions.

Project Description

This is the fifth drainage review report for this project; the last review was dated September 18, 2023. The site is located at the southwest corner of the intersection of Blaisdell Road and Hunt Road. The site is largely built out and contains a one-story warehouse building and associated parking. No topography or elevation information was provided but it appears stormwater runoff flows in a northwesterly direction. There were no visible stormwater management facilities for the existing development. The project proposes to add impervious area at the northwest corner of the site and along the eastern building face. This new impervious area is directly connected to the existing parking lot and is approximately 1,900 square feet. A stormwater management basin is proposed at the northwest corner of the property.

The single remaining comment from the last drainage review pertained to soil testing; this has been performed by the applicant with satisfactory results. For this submission, the design has been changed from an underground drywell system to an at grade stormwater management basin which is satisfactory.

Project Comments:

- Previous Project Comments have been addressed.

9. The Rockland County Department of Planning reviewed the plans and offered the following comments.

1. This department previously noted that according to a letter from the Orangetown Office of Building, Zoning, Planning Administration, and Enforcement (OBZPAE), dated March 10, 2019, a warehouse use is not a permitted use in the LIO zoning district, and thus requires a use variance. The June 20, 2024 response letter from Ira M. Emanuel, P.C., states that "the project has been extensively modified since the March 10, 2019 letter

10/25/2024 9:14 AM
TOWN OF ORANGETOWN

CONTINUATION OF CONDITION # 8.....

from OBZPAE... the facility is not engaged in the 'shipping and receiving of goods' and therefore is not a prohibited warehouse. Rather it stores materials for its own use." This department was not in receipt of any documentation from the Town to confirm this statement. Furthermore, the letter from the OBZPAE, dated September 21, 2023, indicates that a use variance is also required for the outside storage of the portable generators per Chapter 43, Table 3.11 of the Orangetown zoning regulations.

This department is not generally in favor of granting use variances because of the land use precedent that can be set. An applicant must prove that applicable zoning regulations and restrictions have caused unnecessary hardship in order for a use variance to be granted. To prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

- A. The applicant cannot realize a reasonable return, provided the lack of return is substantial as shown by competent financial evidence.
- B. The alleged hardship is unique and does not apply to a substantial portion of the district or neighborhood.
- C. The requested variance will not alter the essential character of the neighborhood.
- D. The alleged hardship is not self-created.

The applicant has not demonstrated that an unnecessary hardship exists. A use variance shall not be granted. Any application for a use variance must be referred to this department for review, as required by General Municipal Law. Otherwise, documentation from the OZBPAE or minutes from the local land use boards that specifies that no use variances are required should be furnished.

- 2. A total of eight truck parking spaces are proposed to the west of the building. A site visit conducted on February 16, 2023 revealed roughly 15 to 20 box trucks and trailers within the existing parking area to the west of the building and a portion of the parking area to the south. The applicant meets the minimum requirement for number of parking spaces, and there appears to be sufficient storage space for the equipment outlined in the response letter from Emanuel Law P.C. of June 20, 2024. However, it must be

TOWN CLERK'S OFFICE
2024 OCT 24 A 9:14
TOWN OF ORANGETOWN

CONTINUATION OF CONDITION # 8.....

ensured that there are sufficient spaces for all trucks and trailers to be stored on the site so that there is no loss of parking available for passenger vehicles. Under no circumstances shall the overflow parking be permitted in the right-of-way.

3. The applicant must comply with the comments provided by the Rockland County Highway Department in their letter of July 24, 2024, and all required permits obtained.
4. The applicant must comply with the letter from the Rockland County Department of Health, dated July 22, 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.
5. The applicant shall continue to coordinate with the Orangetown Fire Inspector to ensure that their concerns are satisfied. In addition, the County of Rockland Office of Fire and Emergency Services or the Orangeburg Fire District shall be given the opportunity to review the proposal 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. There shall be no net increase in the peak rate of discharge from the site at all design points.
8. An SWPPP, if required, shall be provided and conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.
9. Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.

TOWN CLERK'S OFFICE

2024 OCT 24 A 9:14

TOWN OF ORANGETOWN

CONTINUATION OF CONDITION # 8.....

10. The landscape plan proposed five White Spruce trees along the northern property line, near the northwestern corner of the site. The Planning Board must be satisfied that there is sufficient landscaping to prevent visibility of the proposed generator storage from Hunt Road. It is recommended that additional evergreen shrubs be planted to reduce gaps in the landscaping.
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. The Planning Board shall be satisfied that the snow storage locations provided are sufficient for a parking area of this size. This is especially important due to the number of trucks and trailers we anticipate will be parked on the site. The locations of snow storage shall not be permitted to impact any proposed landscaping.
13. 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.
14. 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.

TOWN CLERK'S OFFICE
2024 OCT 24 A 9:14
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 14 of 17**

10. The Rockland County Department of Health (RCDOH) reviewed the plans and offered the following comments:

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

11. The Rockland County Highway Department reviewed the plans and offered the following comments

1. A road work permit shall be required from the Rockland County Highway Department prior to starting any construction activities at the site, if it is approved by the town.

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.
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:
 - A. 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.

TOWN CLERK'S OFFICE
2024 OCT 24 A 9:14
TOWN OF ORANGETOWN

CONTINUATION OF CONDITION # 11.....

- B. 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 plan shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.
- 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.
- 16. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).
- 17. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.

TOWN OF ORANGETOWN
2024 OCT 24 A 9:14
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 16 of 17**

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. A note shall be included on the filed site plan to the effect that approval is granted for ITE Land Use Code 150 warehousing only, and any future intent for alternate warehousing will require a new application to the Building Department and Planning Board.
20. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

Override

The Board made a motion to override Condition 1 of the September 16, 2024 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

#1 This department previously noted that according to a letter from the Orangetown Office of Building, Zoning, Planning Administration, and Enforcement (OBZPAE), dated March 10, 2019, a warehouse use is not a permitted use in the LIO zoning district, and thus requires a use variance. The June 20, 2024 response letter from Ira M. Emanuel, P.C., states that "the project has been extensively modified since the March 10, 2019 letter from OBZPAE... the facility is not engaged in the 'shipping and receiving of goods' and therefore is not a prohibited warehouse. Rather it stores materials for its own use." This department was not in receipt of any documentation from the Town to confirm this statement. Furthermore, the letter from the OBZPAE, dated September 21, 2023, indicates that a use variance is also required for the outside storage of the portable generators per Chapter 43, Table 3.11 of the Orangetown zoning regulations.

This department is not generally in favor of granting use variances because of the land use precedent that can be set. An applicant must prove that applicable zoning regulations and restrictions have caused unnecessary hardship in order for a use variance to be granted. To prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

- The applicant cannot realize a reasonable return, provided the lack of return is substantial as shown by competent financial evidence.

TOWN CLERK'S OFFICE
OCT 24 9:14
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 17 of 17**

CONTINUATION OF OVERRIDE.....

- The alleged hardship is unique and does not apply to a substantial portion of the district or neighborhood.
- The requested variance will not alter the essential character of the neighborhood.
- The alleged hardship is not self-created.

The applicant has not demonstrated that an unnecessary hardship exists. A use variance shall not be granted. Any application for a use variance must be referred to this department for review, as required by General Municipal Law. Otherwise, documentation from the OZBPAE or minutes from the local land use boards that specifies that no use variances are required should be furnished.

The Board held that this comment was already addressed and could therefore be overridden.

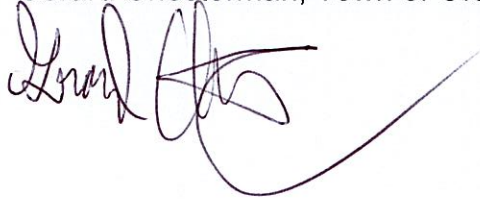
A motion to override the condition #1 was made and moved Michael Mandel – Vice Chairman and second by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel – Vice Chairman, aye; Michael McCrory, aye; Lisa DeFeciani, absent; Bruce Bond, (alternate member), aye; and Andrew Andrews, aye;

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

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

Dated: September 25, 2024

Gerard Chesterman, Town of Orangetown Planning Board



TOWN CLERK'S OFFICE
2024 OCT 24 A 9:15
TOWN OF ORANGETOWN

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

**PB #19-13: Dynamic Event Group Site Plan
Preliminary Site Plan Subject to Conditions
NEG DEC**

Permit #47434

**Town of Orangetown Planning Board Decision
September 25, 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: Dynamic Event Group Site Plan

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

DESCRIPTION OF ACTION: Preliminary Site Plan Review

LOCATION: 300 Blaisdell Road, Orangeburg, New York 10962

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 West Orangeburg Road, Orangeburg, NY 10962
Telephone Number: 845-359-8410

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



TOWN CLERK'S OFFICE
2024 OCT 24 A 9:15
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 1 of 13**

**TO: Amazon Services.com, 410 Terry Avenue
Seattle, Washington 98109
FROM: Orangetown Planning Board**

RE: PB #24-39: Amazon Delivery Center Site Plan: The application of Amazon, applicant, for owner RLIF Oritani SPE, LLC., Final Site Plan Review at a site to be known as "Amazon Delivery Center", 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 200 and 400 Oritani Drive, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.18, Block 1, Lot 1 & 22; LO zoning district; Section 70.06, Block 1 and Lot 1.12; LO zoning district

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday September 25, 2024**

September 25, 2024

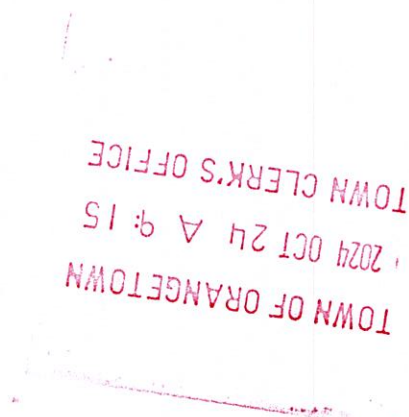
Ethan Brice, Daniel Patrick and Joseph Jorge appeared and testified.
The Board received the following communications:

1. Project Review Committee Report dated September 11, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement (OBZPAE), Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated April September 20, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 24, 2024.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated September 10, 2024.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE., dated September 24, 2024.
6. Letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated September 16, 2024.
7. Letter from Orange and Rockland Utilities, Inc., signed by Alfred Gaddi, PE, dated August 16, 2024.
8. Stormwater Management and Erosion and Sediment Control Plan: Amendment # 2, prepared and signed by Joseph Jorge of CESO, last revised July 23, 2024
9. Amazon.com Services LLC EV Charger Installation DXY4 Delivery Station, Emanuelson-Podas, Consulting Engineers, last revised April 16, 2024

TOWN CLERK'S OFFICE
2024 OCT 24 A 9:15
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 2 of 13**

- Drawing NO. E0.00-BPO / Electrical Title Sheet
 - Drawing NO. E0.10-BPO / Electrical Site Plan
 - Drawing NO. E0.20-BPO / Photometric Site Plan
 - Drawing NO. E0.21-BPO / Photometric Cut Sheets
 - Drawing NO. E1.11-BPO / Electrical Enlarged Distribution Plan
 - Drawing NO. E5.00-BPO / Electrical One-Line Diagram
 - Drawing NO. E6.00-BPO / Panel Schedules
 - Drawing NO. E7.00-BPO / Electrical Details
 - Drawing NO. E7.01-BPO / Electrical Details
 - Drawing NO. E8.00-BPO / Electrical Specifications
 - Drawing NO. E8.01-BPO / Electrical Specifications
 - Drawing NO. E8.02-BPO / Electrical Specifications
 - Drawing NO. E8.03-BPO / Electrical Specifications
10. Amazon.com Services LLC EV Charger Installation DXY4 Delivery Station, prepared by CEC Environmental Consulting, last revised April 16, 2024.
- a. Drawing NO. G0.00-BP0: Cover Sheet
 - b. Drawing NO. C1.00-BP0: Existing Conditions & Demolition Plan
 - c. Drawing NO. C2.00-BP0: EV Charger Installation Site Plan
 - d. Drawing NO. C8.00-BP0: Detail Sheet (1 of 3)
 - e. Drawing NO. C8.01-BP0: Detail Sheet (2 of 3)
 - f. Drawing NO. C8.02-BP0: Detail Sheet (3 of 3)
 - g. Drawing NO. C9.00-BP0: Erosion and Sediment Control Plan
 - h. Drawing NO. C9.01-BP0: Erosion and Sediment Control Plan
11. DXY4 – Interior Improvements, prepared by CESO, dated June 13, 2024
- a. FP1 / Drawing Title: Fire Protection Plan
12. Delivery Station Parking Expansion: Site Plan Amendment 2 – Exterior Improvements, prepared by CESO, last revised July 23, 2024
- a. Drawing No. G0.01 / Drawing Title: Title Sheet
 - b. Drawing No. G0.02 / Drawing Title: Project General Notes, Symbols, and Abbreviations.
 - c. Drawing No. AS1.10 / Drawing Title: Architectural Site Plan
 - d. Drawing No. AS1.11 / Drawing Title: Striping and Site Plan – Phase 0
 - e. Drawing No. AS1.12 / Drawing Title: Site Circulation Plan
 - f. Drawing No. AS1.13 / Drawing Title: Signage & Construction Details Sheet
 - g. Drawing No. AS1.14 / Drawing Title: Signage & Construction Details Sheet
13. A letter/notice from the Rockland County Department of Planning, signed by Jake Palant, dated August 5, 2024.
14. A letter/notice from the Rockland County Highway Department, signed by Dyan Rajasingham, dated August 16, 2024.



**Town of Orangetown Planning Board Decision
September 25, 2024
Page 3 of 13**

The Board reviewed the plan. The meeting was open to the public.

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

Public Comment:

Francheska Albert, 1 Avis Court, Blauvelt. Took issue with EV charging stations being proposed. Questioned if the fire emergency response would be timely and adequate in such a situation. Stressed issue with lights and noise currently coming from the Amazon facility.

Lauren Pevite 4 Avis Court, Blauvelt. Questioned if the fire emergency response would be timely and adequate in such a situation. Stressed issue with lights and noise currently coming from the Amazon facility.

Vanessa Lapins, 659 Western Highway, Blauvelt. Suggested the use of solar panels in the parking area.

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 second by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel- Vice Chairman, aye; Lisa DeFeciani, absent; Bruce Bond (Alternate Member), aye Michael McCrory, 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

TOWN OF ORANGETOWN
2024 OCT 24 A 9:15
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 4 of 13**

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 Denise Lenihan, carried as follows: Thomas Warren, Chairman, aye; Michael Mandel, Vice Chairman, aye; Andrew Andrews, aye; Michael McCrory, aye; Bruce Bond, (Alternate Member), aye; Denise Lenihan, aye; and Lisa DeFeciani, 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 Subject to the Following Conditions:**

TOWN OF ORANGETOWN
2024 OCT 24 A 9:15
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 5 of 13**

1. The following note shall be placed on the subdivision 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. 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 # 24-26, Approved as Presented, July 11, 2024, Zoning Board Appeals of #23-31, Non-Illuminated Sign Variance Approved, dated June 5, 2024, and Planning Board #23-32, Preliminary Site Plan Approval Subject to Conditions, dated March 13, 2024.
4. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
5. The Town of Orangetown Department of Building, Zoning, Planning Administration and Enforcement reviewed the Information and has the following comments:
 1. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Site Plan is stamped and the construction plans are reviewed and approved by the inspector.
6. The Town of Orangetown Department of Environmental Management and Engineering (DEME) reviewed the information and offered the following comments:
 7. The revised SWPPP is under review. Below is a tentative list of corrections/ additions needed:
 - The previously supplied Introduction/ Cover letter was omitted from the current submission. As a reminder, this cover letter shall state that the proposed revision is an amendment, the reason for the amendment, a summary of the design changes - including the soil erosion and sediment control changes (if applicable), increase/ decrease in area of disturbance, increase/ decrease in proposed impervious surfaces, increase/ decrease in proposed pervious surfaces, as well as the post construction stormwater quantity/ quality design changes (if any - if not list/ explain why not) that are being

TOWN CLERK'S OFFICE
2024 OCT 24 A 9:15
TOWN OF ORANGETOWN

CONTINUATION OF CONDITION # 6.....

proposed as part of the Amendment. This introduction/ cover letter shall also include a tabular list of every page of the SWPPP and included drainage calculations that have been changed as well as every drawing that has been changed from the original approved SWPPP and drawings.

- The total area of disturbance (a.o.d.) listed in the cover memo differs slightly than the a.o.d. listed on drawing CI.00-BP0. The a.o.d. shall be coordinated throughout the SWPPP and all of the drawings. The applicant's engineer is reminded that all proposed demolition must be included in the total a.o.d.
- The total area of disturbance for Amendment #2 - Phase 1 shall be noted on drawing CI.00-BPI.
- The individual areas of disturbance for Phase 0 & Phase 1 shall be listed in their respective paragraphs under Section 1.1A (page 5 & 6.)
- The proposed line striping shall be added to the proposed work listed under Section LIA- Amendment #2-Phase 1, page 6.
- The total number of EV charges proposed under Section I. IA - Amendment #2 Phase 0 is listed as 62. However, Drawing G0.00-BP0 total is only 60. This discrepancy shall be corrected. All references to the total number of EV charges proposed shall be coordinated throughout the WPPP and drawings.
- The half-scale drawings provided in the SWPPP (for example Appendices A & H) as well as the full-size drawings provided with the application shall show and label the revised drainage layout (including id names/ numbers, top and invert elevations, etc.) just completed at the site.
- Appendix G shall be revised to include an actual description of each amendment, not just state "See included narrative."
- Appendices Q & R are not provided. They shall be provided in next submission.
- Qualified Inspector and Contractor Certifications are needed in the Appendix S. Also, contractor's proof of completion for the required NYS DEC Endorsed 4- Hour Erosion and Sediment Control Course must also be supplied with the SWPPP. The owner/ owner's engineer is advised that NO construction what-so-ever (including pre-construction SESC

TOWN CLERK'S OFFICE
2024 OCT 24 A 9:19
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 7 of 13**

CONTINUATION OF CONDITION # 6.....

installation, demolition, etc.) can begin on the project until these signed certifications and proof of NYSDEC training have been provided to this Department and made part of all official SWPPPs (Town Copy, field copy, etc.).

- The Contractor, Sub-Contractor & Qualified Inspector information shall be provided under Section 1.2 - page 8 of the SWPPP.
 - Owner and SWPPP preparer SWPPP certifications shall be added to the SWPPP, in either Appendix C, J or R.
 - The SWPPP shall be signed and sealed by the applicant's engineer.
 - Labeled separation tabs between all the sections/ appendices, etc., shall be included in the SWPPP.
 - A cover page shall be added to the SWPPP.
8. The project description on drawing G0.00-BP0 shall be revised to include the proposed restriping, signage installation, etc. that is to take place under that phase of work.
9. The applicant/ applicant's engineer is reminded that immediately upon commencement of the proposed work, weekly SWPPP inspections shall begin again. The Qualified Inspector shall utilize the inspection checklist forms provided in Appendix E of the SWPPP. Separate checklists for each and every drainage structure shall be filled out at every SWPPP inspection.
10. In connection with comment #3 above, the applicant/ applicant's engineer, applicant's qualified inspector is reminded that, in compliance with SWPPP section 1.2 (page 8), digital copies of all SWPPP inspections shall be sent to the Town (bpeters@orangetown.com) along with hard copies being placed onsite as well as hard copies being added to all other official SWPPPs.
11. In connection with comment #3 above, the applicant/ applicant's engineer/ applicant's qualified inspector is reminded that all SWPPP inspections must include the required information as specified in Part IV-C-4 (a through i) of the NYSDEC SPDES General Permit for Stormwater Discharges for Construction Activity-Permit NO. GP-0-20-001. Also, a map shall be provided with each required SWPPP inspection which depicts; area of site under construction at time of inspection, a.o.d. at time of inspection,

TOWN CLERK'S OFFICE
2024 OCT 24 A 9:19
TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision
September 25, 2024
Page 8 of 13

CONTINUATION OF CONDITION # 6.....

location & direction of all photographs taken during inspection, etc. These instructions shall be added to the Qualified Inspector (item 4- page 7.)

12. The total area of disturbance shall be listed on drawings G0.00-BP0 & C9.00-BP0. The Phase 1 "mirror" drawings shall state that no disturbance is proposed under said phase.
13. The plans and details shall clearly show, label and dimension all proposed disturbances (excavations, demolitions, etc.) and calculate a total. For example, drawing C9.00-BP0.
14. Drawings C1.00-BP0, & C9.00-BP0 shall show clearly show and label the limit of disturbance.
15. The drawings shall contain a table showing the breakdown of all existing and proposed pervious and impervious surfaces for this proposed project.
16. The soil erosion and sediment control plan, drawing C9.00-BP0, shall be revised to depict inlet protection at all existing catch basins "downhill" of the proposed disturbances.
17. The drawings shall clearly show **all** existing sanitary & storm sewer mains, catch basins, manholes, etc. with top and invert elevations. The drawings shall also indicate ownership for each main.
18. All existing easements shall be shown on the plan, including page and liber or instrument number, **purpose, metes & bounds, utility within said easement and ownership.**

7. The Town of Orangetown Bureau of Fire Prevention reviewed the information and does not have any comments at this time.

8. **Drainage Review – Brooker Engineering**

The proposed action has provided sufficient drainage information that demonstrates that there are no potential significant adverse impacts with respect to drainage that require additional mitigation. We therefore recommend that the Amazon Site Plan – Amended Site Plan be approved for drainage subject to the following Project Comments.

Project Description

This is our third drainage review report for this amended site plan application; Brooker previously reviewed this amended site plan application in our letter dated March 12, 2024 and approved the overall original site plan for drainage with no conditions in our January 11, 2020 letter. The site is located in Bradley Industrial Park, along the west side of

TOWN OF ORANGETOWN
2024 OCT 24 A 9:16

Town of Orangetown Planning Board Decision
September 25, 2024
Page 9 of 13

CONTINUATION OF CONDITION # 8.....

Oritani Drive. As part of the original site plan, two existing buildings at 200 and 400 Oritani Drive were to remain and be used as warehouses. A building expansion over the existing parking lot was proposed at the southern building. A new stormwater management underground infiltration basin was proposed north of the building expansion. For the current amended site plan, the proposed action consists of installation of a phased network of 102 charging stations for electric vehicles (previous application proposed 157 charging spaces). Earthwork is required for installation of new utilities, and the charging stations are located in the existing parking lots with no new impervious areas. The proposed work provides a net reduction in impervious areas, and existing runoff rates will be maintained with no change in drainage patterns.

Project Comments:

1. Highlight on the cover page of the SWPPP the meaning of the red font used in the document.
2. Coordinate Appendices in the SWPPP with the table of contents. Add dividing tabs for each appendix.
3. Include in the SWPPP Project Narrative the overall project timeline; add descriptions for original site plan and SWPPP approval, dates of construction and scope of work for the original Site Plan, and the amended Site Plan application(s) (Amendment #1 and #2). Include limits of disturbance that correlate to the information on the site plan.
4. The Post Conditions Drainage Map (Sheet 387 in the SWPPP) should include delineations for "Proposed Drainage Basin Detained" and "Proposed Drainage Basin Bypass".
5. Provide a key map for the location of the "Northern Site Exhibit" shown on pages 386 and 387.
6. Include all drawings in the drawing set in the list of drawings on Page GO.01
9. The Rockland County Department of Planning reviewed the plans and offered the following comments.
 15. A review must be completed by the County of Rockland Department of Highways and all required permits obtained.
 16. The applicant must address any outstanding concerns provided by the Orangetown Fire Inspector that have not yet been satisfied. In addition, the County of Rockland Office of Fire and Emergency Services or the Blauvelt Fire Department shall be given the

TOWN OF ORANGETOWN
TOWN CLERK'S OFFICE
2024 OCT 24 4 16 PM

CONTINUATION OF CONDITION # 9.....

opportunity to review the proposal to ensure that the site is designed in a safe manner and there is sufficient maneuverability on the site for emergency vehicles.

17. The subject site abuts property owned by CSX, with the charging stations proposed in close proximity to the adjoining property line. In a previous letter from CESO, dated November 7, 2023, it was indicated that Civil and Environmental Consultants, Inc. (CEC) and CESO have been in communication with CSX. The applicant must continue coordination with CSX through the review process, and any outstanding concerns addressed.
18. This application proposes the installation of at least 99 electric vehicle charging stations, using Levels 2 and 3 chargers. Details on energy usage have been provided on Sheets E6.00-BP0 and E6.00-BP1. According to the November 7, 2023 letter from CESO to the County Planning Department, Orange and Rockland Utilities have been provided with the usage totals for a [previous] proposal, and was satisfied. The Orangetown Planning Board shall be satisfied that the energy demand for this project has been thoroughly evaluated, and potential impacts to the local utility grid are clearly understood.
19. 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.
20. In addition, pursuant to Executive Order 0 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.
21. The following additional comments are offered strictly as observations and are not part of our General Municipal Law (GML) review. The Board may have already addressed these points or may disregard them without any formal vote under the GML process:

TOWN CLERK'S OFFICE
2024 OCT 24 A 9:19
TOWN OF ORANGETOWN

CONTINUATION OF CONDITION # 9.....

- a. 7.1. The GML Referral Form and cover letter from Cuddy & Fedder LLP indicate that part of the development site includes Tax Lot 65.18-1-18 instead of Lot 65.18-1-22, as indicated on the site plan and Page 1 of the Orangetown Application Review Form. This discrepancy still must be corrected.
- b. 7.2. The proposed electric vehicle charging stations help to advance the goals of The New York State Climate Leadership and Community Protection Act (CLCPA) and the Draft Orangetown Comprehensive Plan, last revised September 2022. With an increase in electric vehicle charging stations being installed throughout Orangetown, this Department urges the Town to consider revising its local zoning regulations to establish specific standards in relation to this use. NYSERDA provides case studies and best practice guides for the permitting, buying, installing, and operating charging stations that may be helpful:
<https://www.nyserda.ny.gov/All-Programs/ChargeNY/Charge-Electric/Best-Practices>

10. The Rockland County Highway Department reviewed the information and does not have any comments at this time.

11. Orange and Rockland Utilities, Inc. reviewed the information and offered the following comments:

- Based on the plans provided, there may be a gas conflict with the proposed work at crossings. Please contact O&R's new business department for any relocations or disconnects/reconnects. All code 753 rules must be followed.

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:

- No construction equipment shall be parked under the tree canopy.
- There will be no excavation or stockpiling of earth underneath the trees.
- Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.

TOWN CLERK'S OFFICE
OCT 24 9 19 AM 2024
TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision
September 25, 2024
Page 12 of 13

CONTINUATION OF CONDITION # 12.....

- The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - i. One (1) foot radius from trunk per inch DBH
 - ii. 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:
 1. 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.
 2. 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 plan shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.
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.

TOWN OF ORANGETOWN
2024 OCT 24 A 9:19
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 13 of 13**

16. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).
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. A note shall be included on the filed site plan to the effect that approval is granted for ITE Land Use Code 150 warehousing only, and any future intent for alternate warehousing will require a new application to the Building Department and Planning Board.
20. 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 Denise Lenihan and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel – Vice Chairman, aye; Michael McCrory, aye; Lisa DeFeciani, absent; Bruce Bond (alternate member), aye; and Andrew Andrews, nay.

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 25, 2024

Gerard Chesterman, Town of Orangetown Planning Board



TOWN OF ORANGETOWN
2024 OCT 24 A 9:17
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 1 of 10**

**TO: PDI, INC, 2 Nice Pak Park, Orangeburg, New York 10962
FROM: Orangetown Planning Board**

RE: PB #24-40: PDI – Storage Capacity Upgrade Site Plan Review:
The application of PDI INC., applicant for Picker Properties, LLC, Owner, for Prepreliminary/ Preliminary/ Final Site Plan, at a site known as “Dynamic Productions”, 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 2 Nice Pak Park, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 16 in the L10 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held
Wednesday September 25, 2024

September 25, 2024

Bill Cavazzini and Edward Faccioli, appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated September 11, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement (OBZPAE), Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated April September 20, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 24, 2024.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated September 10, 2024.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE., dated September 24, 2024.
6. Interdepartmental memorandum from the Highway Department, Town of Orangetown, signed by James Dean, Superintendent of Highways, dated March 30, 2022.
7. Letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated September 12, 2024.
8. Letter from Rockland County Department of Health, signed by Elizabeth Mello, PE, dated July 12, 2024.
9. A letter/notice from Rockland County Department of Planning, signed by Jake Palant, dated July 1, 2024.

TOWN CLERK'S OFFICE
2024 OCT 24 A 9:17
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 2 of 10**

10. Project Narrative prepared by applicant.
11. LPD Storage Capacity Upgrade Plans, prepared by GPI Engineering, Design, Planning, Construction Management, dated April 24, 2024.
 - Sheet 1: Cover Sheet
12. Architectural Plans, prepared by ARCO Design/Build Industrial, dated November 16, 2021
 - c. GPI Project/Contract NO: T001: Title Sheet
 - d. GPI Project/Contract NO: C001: Site Plan: Prepared by Jay Greenwell, PLS, LLC
 - e. GPI Project/Contract NO: M001: General Notes
 - f. GPI Project/Contract NO: M101: Title Sheet: U.S.T Mechanical Partial Site Plan
 - g. GPI Project/Contract NO: M102: Mechanical Details
 - h. GPI Project/Contract NO: M103: U.S.T 8 System Schematic
 - i. GPI Project/Contract NO: M104: U.S.T 9 System Schematic
 - j. GPI Project/Contract NO: S001: General Notes
 - k. GPI Project/Contract NO: S101: Structural Site Plan
 - l. GPI Project/Contract NO: S102: Tank and Concrete Slab Plan & Details
 - m. GPI Project/Contract NO: S103: Plan of Pump Station, Pump Support
 - n. GPI Project/Contract NO: S104: Canopy Frame Plan, Sections & Details
 - o. GPI Project/Contract NO: E001: Electrical General Notes, Symbols & Abbreviation
 - p. GPI Project/Contract NO: E101: Electrical Tank Farm Grounding Lighting Protection and Lighting
 - q. GPI Project/Contract NO: E102: Electrical Power and Control Plan
 - r. GPI Project/Contract NO: E103: Electrical Level and Leak detection Instrument Plan
 - s. GPI Project/Contract NO: E401: Electrical Sections & Details
 - t. GPI Project/Contract NO: E402: Electrical Level and Leak Detection Instrument Details
 - u. GPI Project/Contract NO: E501: Electrical Single Line Diagram Cable and Conduit Schedule
 - v. GPI Project/Contract NO: E502: Electrical Schematic Diagram Relay Control Cabinet
 - w. GPI Project/Contract NO: E503: Electrical Panel Schedule

The Board reviewed the plan. The meeting was open to the public.

Public Comment:

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

TOWN OF ORANGETOWN
2024 OCT 24 A 9:17
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 3 of 10**

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

TOWN CLERK'S OFFICE
OCT 24 9:17
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 4 of 10**

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

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

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

1. The following note shall be placed on the subdivision 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. 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 Town of Orangetown Department of Building, Zoning, Planning Administration and Enforcement reviewed the Information and has the following comments:

TOWN OF ORANGETOWN
2024 OCT 24 A 9:17
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 4 of 10**

CONTINUATION OF CONDITION # 3

- The applicant is proposing to install two new 30-gallon double walled fiberglass tanks. There are currently four underground tanks existing. A small, 58 square foot extension to the existing canopy is also proposed.
 - The actual dimensions of the tanks shall be shown.
 - The SEAF must be revised as follows;
 - i. No. 12b should be YES.
 - ii. No. 20 should be YES and list V00579, V00343, C344078, 344072
 - 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 signed by the Chairman to the Board and the construction plans are reviewed and approved by the inspector.
4. The Town of Orangetown Department of Environmental Management and Engineering (DEME) reviewed the information and offered the following comments:
- a. The total area of disturbance shall be added to the site plan.
 - b. A trench drain shall be proposed along the new concrete pad/ subsurface storage tank location. It shall be tied into the drainage/ trench drain system that currently exists around the existing surface storage tanks.
 - c. Soil erosion and sediment control plans and details shall be submitted with the drawing set for review and approval.
 - d. The datum for the contours shall be given. A note shall be added to the Site Plan indicating the source benchmark for the referenced datum (including the BM elevation.)
5. The Town of Orangetown Bureau of Fire Prevention reviewed the information and offered the following comment:
- Will the proposed work interfere with the Fire Access Road?
6. Drainage Review – Brooker Engineering Based on the information provided, there are no potential significant adverse impacts with respect to stormwater runoff that require mitigation. Therefore, we recommend that the Nice Pak Site Plan be approved for drainage subject to the following Project Comments.

TOWN CLERK'S OFFICE
OCT 24 9:17
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 5 of 10**

CONTINUATION OF CONDITION # 6

Project Description

This is our first drainage review report for this modified site plan approval project; we approved the last site plan for drainage in our December 23, 2019 drainage review letter. The site located at 2 Nice Pak Park in the LIO zoning district. The property is developed with an existing building and parking areas. There are wetlands located along the east side of the property, and stormwater runoff flows southwest through the site.

The application proposes two exterior liquid storage tanks for the manufacturing use along the east side of the building in a gravel parking lot. Approximately 58 SF of new concrete is proposed in the gravel area, all located on the east side of the building over largely impervious area.

The scope of work is limited to the containment structure located on the east side of the building. Stormwater runoff will flow southwest to an existing wetland/stormwater management facility that is part of the overall development. The wetland is oversized with respect to the capacity of the existing impervious area, as per the applicant's historic observation and supporting data provided in the last Site Plan drainage review.

Project Comments:

- x. Add map notes for the existing and proposed impervious area on Drawing C101
 - y. Provide a blow up of the area of proposed work and clearly indicate existing and proposed ground cover.
 - z. Complete all drawing numbers in the title block and provide a list of drawings
7. The Rockland County Department of Planning reviewed the plans and offered the following comments.
- 1. A review must be completed by the County of Rockland Division of Environmental Resources and- any comments or concerns addressed.
 - 2. Under New York State General Municipal Law Section 209-u, the storage of hazardous materials shall be reported to both the local fire department as well as the Rockland County Office of Fire and Emergency Services.

TOWN CLERK'S OFFICE
2024 OCT 24 A 9:17
TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision
September 25, 2024
Page 6 of 10

CONTINUATION OF CONDITION # 7

3. Under the Superfund Amendment and Reauthorization Act (SARA), Title III, facilities must register with the local emergency planning committees (LEPC), including the location and amounts of any hazardous substance, provide Material Safety Data Sheets or a list covering all hazardous chemicals present at sites affected by the law, as well as immediate notification to the LEPC and the state emergency response commission of any accidental spill or release into the environment of designated substances. The NYS Department of Environmental Conservation also has reporting and spill prevention requirements for chemical storage. The Planning Board should ensure compliance with federal and state permitting and emergency planning and reporting requirements.
4. There are federally regulated wetlands shown on the site plan based on delineations made in 2004. A review must be completed by the United States Army Corps of Engineers and all required permits obtained. An updated field delineation of wetlands is recommended.
5. If the US Army Corps of Engineers requires a permit pursuant to Section 404 of the Clean Water Act for the discharge to fill in Waters of the U.S., then a Section 401 Water Quality Certification (WQC) will be required to verify compliance with State water quality regulations. Issuance of these certifications is delegated in New York State to the NYSDEC. If the project qualifies for a Nationwide Permit, it may be eligible for coverage under a DEC Blanket WQC. Coverage under a Blanket requires compliance with all conditions for the corresponding Nationwide Permit. For more information and to view the DEC Blanket WQCs, please visit <https://www.dec.ny.gov/regulatory/permits-licenses/waterways-coastlines-wetlands/protection-of-waters-program>. A determination on Corps jurisdiction and a Nationwide Permit eligibility is likely necessary for a DEC jurisdictional determination. The Planning Board must be satisfied that there are no additional negative impacts to wetlands or wetland buffers.
6. Prior to the start of demolition, construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition (November 2016) of the New York State Standards for Urban Erosion and Sediment Control. There shall be no net increase in the peak rate of discharge from the site at all design points.
7. There shall be no net increase in the peak rate of discharge from the site at all design points.
8. A Stormwater Pollution Prevention Plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.

TOWN CLERK'S OFFICE
2024 OCT 24 A 9:18
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 7 of 10**

CONTINUATION OF CONDITION # 7

9. In order to prevent unauthorized access to the adjacent County park through the subject site, access control measures should be installed and shown on the site plan.
 10. There Questions on the Short Environmental Assessment Form (SEAF) dated June 6, 2024, 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 12b. and 20 on the SEAF should be answered affirmatively. To ensure accurate SEQRA documentation, the Town must require applicants to use this tool to complete the SEAF as it populates the answers to certain questions using New York State database information.
 11. 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.
 12. 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.
8. The Rockland County Department of Health (RCDOH) reviewed the plans and offered the following comments:
- a. The Rockland County Department of Health has received a Notification of Intent to Act as Lead Agency, a Short Environmental Assessment Form (EAF), other supporting documentation and plans as prepared by Jay A. Greenwell, PLSS, LLC, dated November 16, 2019, for the above referenced project. This office has no objection to the Town of Orangetown Planning Board acting as Lead Agency for this project. Based on the information provided, there are no Rockland County Department of Health approvals needed for this application.

TOWN OF ORANGETOWN
OCT 24 A 9:18
TOWN CLERK'S OFFICE

Town of Orangetown Planning Board Decision
September 25, 2024
Page 8 of 10

9. TREE PROTECTION: The following note shall be placed on the Site Plan: The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to preserve and protect existing trees to remain are as follows:
- a. No construction equipment shall be parked under the tree canopy.
 - b. There will be no excavation or stockpiling of earth underneath the trees.
 - c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
 - d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - i. One (1) foot radius from trunk per inch DBH
 - ii. 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:
 1. 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.
 2. 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.

10. All landscaping shown on the site plan shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

TOWN OF ORANGETOWN
2024 OCT 24 A 9:18
TOWN CLERK

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 9 of 10**

11. 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.
12. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
13. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).
14. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
15. 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
16. A note shall be included on the filed site plan to the effect that approval is granted for ITE Land Use Code 150 warehousing only, and any future intent for alternate warehousing will require a new application to the Building Department and Planning Board.
17. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

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

TOWN OF ORANGETOWN
2024 OCT 24 A 9:18
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 10 of 10**

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 25, 2024
Gerard Chesterman, Town of Orangetown Planning Board



TOWN OF ORANGETOWN
2024 OCT 24 A 9:18
TOWN CLERK'S OFFICE

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

**PB #24-40: Nice Pak/PDI Site Plan
Final Site Plan Subject to Conditions
NEG DEC**

BLDC-5110-24

**Town of Orangetown Planning Board Decision
September 25, 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: Nice Pak/PDI Site Plan

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

DESCRIPTION OF ACTION: Final Site Plan Review

LOCATION: 2 Nice Pak Park, Orangeburg, New York 10962

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 West Orangeburg Road, Orangeburg, NY 10962
Telephone Number: 845-359-8410

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



TOWN OF ORANGETOWN
2024 OCT 24 A 9:18
TOWN CLERK'S OFFICE

**PB #24-41: 25 Whittier Road Subdivision Plan
Final Site Plan Subject to Conditions
NEG DEC**

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 1 of 13**

**TO: Bedrock Whittier LLC, Monsey, New York 10952
FROM: Orangetown Planning Board**

RE: PB #24-41: 25 Whittier Road Subdivision Plan – 3 lots: The application of Bedrock Whittier LLC, applicant and owner, for Prepreliminary/ Preliminary/ Final Site Plan, at a site known as “25 Whittier Road”, 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 25 Whittier Road, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.18, Block 1, Lot 13 in the R-40/LO zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held
Wednesday September 25, 2024

September 25, 2024

Jesse Cokeley, Colliers Engineering, appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated September 11, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement (OBZPAE), Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated September 20, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 24, 2024.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated September 10, 2024.
5. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated September 16, 2024.
6. Interdepartmental memorandum from the Highway Department, Town of Orangetown, signed by Jim Dean, Superintendent of Highways, dated September 25, 2024.
7. Interdepartmental memorandum from the Office of Recreation and Parks, Town of Orangetown, signed by Aric Gorton, Superintendent of Parks, Recreation and Building Maintenance, dated July 25, 2024.
8. Letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated September 16, 2024.
9. Letter from Rockland County Department of Health, signed by Elizabeth Mello, PE, dated July 12, 2024.
10. Letter from Rockland County Sewer District NO.1, signed by Nicolas King, Engineer I, dated September 6, 2024.

TOWN CLERK'S OFFICE
2024 OCT 24 A 9:19
TOWN OF ORANGETOWN

**PB #24-41: 25 Whittier Road Subdivision Plan
Final Site Plan Subject to Conditions
NEG DEC**

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 2 of 13**

11. Letter from Orange and Rockland Utilities, Inc., signed by Alfred Gaddi, PE, dated August 2, 2024.
12. Project Narrative Summary, signed by Jesse Cokeley, P.E., Dated July 10, 2024.
13. Response letter from Colliers Engineering to Bruce Peters, Town of Orangetown DEME, dated July 10, 2024
14. A letter/notice from Town of Orangetown Zoning Board of Appeals, signed by Michael J. Bosco, dated July 31, 2024.
15. A letter/notice from the Rockland County Department of Planning, signed by Jake Palant, dated July 23, 2024.
16. A letter/notice from the Rockland County Highway Department, signed by Dyan Rajasingham, dated August 2, 2024.
17. Preliminary Plot Plan for 25 Whittier Road Proposed 3 Lot Subdivision, Prepared by Colliers Engineering and Design, dated June 4, 2024.
18. 3 Lot Subdivision Prepared for Steven Finn, prepared and signed by Edward T. Gannon, P.L.S., dated June 27, 2024.
19. Survey Prepared for Steven Finn, prepared and signed by Edward T. Gannon, P.L.S., dated October 19, 2023.

The Board reviewed the plan. The meeting was open to the public.

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

Public Comment:

Deanna Lamhunt, 29 Whittier Road, Blauvelt. Brought up the issue of property being maintained from an aesthetics standpoint. Stressed concern and question regarding how the property will be zoned.

Vanessa Lapins, 659 Western Highway, Blauvelt. Questioned the Board on who the owner of the lot is.

Donna Solari, 573 Greenbush Road, Blauvelt. Concerned that aesthetics will be an issue. Questioned about access to records.

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

TOWN OF ORANGETOWN
2024 OCT 24 A 9:19
TOWN CLERK'S OFFICE

**PB #24-41: 25 Whittier Road Subdivision Plan
Final Site Plan Subject to Conditions
NEG DEC**

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 3 of 13**

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;
- 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;

TOWN OF ORANGETOWN
2024 OCT 24 A 9:19
TOWN CLERK'S OFFICE

**PB #24-41: 25 Whittier Road Subdivision Plan
Final Site Plan Subject to Conditions
NEG DEC**

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 4 of 13**

- 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, aye; Bruce Bond, (Alternate Member), aye; Denise Lenihan, aye; and Lisa DeFeciani, aye, the Board declared itself Lead Agency.

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

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

1. The following note shall be placed on the subdivision 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. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.
4. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Site Plan is stamped and the construction plans are reviewed and approved by the inspector.

TOWN OF ORANGETOWN
2024 OCT 24 A 9:19
TOWN CLERK'S OFFICE

**PB #24-41: 25 Whittier Road Subdivision Plan
Final Site Plan Subject to Conditions
NEG DEC**

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 5 of 13**

5. The Town of Orangetown Department of Building, Zoning, Planning Administration and Enforcement reviewed the Information and has the following comments:
 - Whittier Road is not a dedicated town road. A 280-A variance is required.
 - Per Town Code Chapter 2, section 2-4, ACABOR review is required.
 - The SEAF appears to be in order.

6. The Town of Orangetown Department of Environmental Management and Engineering (DEME) reviewed the information and offered the following comments:
 - Contrary to the applicant's engineer's letter to this Department of 7/10/24 (attached), whether the applicant plans to do the site improvements now or at a later date, **all required subdivision improvements (site, roadway, drainage, sanitary, etc.) must be** designed in accordance with the Town of Orangetown Town Code and depicted on the drawing(s) NOW in order for the subdivision to be approved.

 - Drainage calculations, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted for review and approval. The applicant's engineer shall design onsite storage to achieve a zero increase in runoff, up to and including the 100-yr. storm, for the proposed subdivision.

 - The total area of disturbance shall be listed on the subdivision plan.

 - Whittier Road is currently an undersized, gravel road. Because the applicant is proposing to add another single-family Residence to this street - bringing the total residences to 5. To ensure that any and all emergency service vehicles have clear, safe and unobstructed access to the new and existing residences along said road, Whittier Road shall be improved (rebuilt and paved) to meet the Town of Orangetown Rural Road specifications from the intersection with Bradley Hill Road to the northern most property line. The improvements shall include but not limited to widening the road to 24-foot wide minimum, paving the road and depth of constituent's (asphalt, subgrade, etc.) as well as load capacity to support fire apparatus.

 - A note shall be added to the Subdivision Plan (Plot plan) stating that --"All required improvements to Whittier Road depicted on this plan shall be completed, inspected, approved and accepted (including submission and approval of As-Builts) prior to the issuance of **ANY** building permits for proposed Lots 1&3 and/ or C o f0. for proposed Lot 2."

TOWN OF ORANGETOWN
2024 OCT 24 A 9:19
TOWN CLERK'S OFFICE

**PB #24-41: 25 Whittier Road Subdivision Plan
Final Site Plan Subject to Conditions
NEG DEC**

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 6 of 13**

CONTINUATION OF CONDITION # 6

- The intersection of Whittier Road at Bradley Hill Road shall be modified to conform to Town of Orangetown Street Specification standards.
- A stop sign shall be added to Whittier Road, at the intersection with Bradley Hill Road.
- Whittier Road shall be labeled as a private road.
- The proposed driveway entrances for Lots 1 & 3 shall be revised to have proposed radii - at the intersection with the street.
- All existing utilities & utility structures (sanitary, storm, water, gas electric, cable/ fiber optic, etc.) within Whittier Road, Bradley Hill Road and Route 303 shall be shown complete on the drawings.
- All driveways on the east side of Whittier road, opposite the proposed subdivision, shall be shown on the plans.
- The northern section of the existing driveway on proposed Lot 2 shall be removed from proposed Lot 1. Also, the first 15 feet of the two driveway entrances from proposed Lot 2 (existing driveway) shall be shown to be paved, to keep gravel from the driveway spilling out onto Whittier Road.
- The proposed driveways for Lots 1 & 3 shall be shown and labeled to be paved. Also, a typical symbol for paving shall be shown at these locations (as well as the required improved portion of Whittier Road) and added to the drawing legend.
- The sight distances at the driveway entrance for proposed Lot 3 onto Bradley Hill Road shall be given on the plans.
- Concrete curbing shall be shown and installed along west side Whittier Road - for the length of the of subdivision- and the north side of Bradley Hill Road- for the length of the subdivision.
- Profiles shall be provided for all proposed drainage piping.
- Separate post construction stormwater maintenance agreements for all 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, individual inspection checklists for all existing and proposed stormwater facilities, contact person with cell phone number, yearly report to be submitted to this Department, etc.

TOWN CLERK'S OFFICE
OCT 24 9:19
TOWN OF ORANGETOWN

**PB #24-41: 25 Whittier Road Subdivision Plan
Final Site Plan Subject to Conditions
NEG DEC**

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 7 of 13**

CONTINUATION OF CONDITION # 6

- All existing & proposed easements and dedications shall be shown on the plan (s), including page and liber or instrument number, metes and bounds, utility location within easement (where applicable) and ownership.
- Soil erosion and sediment control plans and details shall be submitted with the drawing set for review and approval. The plans shall depict SESC features designed so that each lot may be developed independently/ separately.
- The proposed sanitary house connections for Lot 1 & 3 shall be designed in accordance with all applicable rules & regulations and shown on the drawings -i.e. not just conceptual layouts as currently labeled on the plan.
- The proposed sanitary house connection for Lot 3 shall be relocated/ redesigned to run directly west to the existing public sanitary main along Route 303, to avoid crossing the existing utility line that runs through the Lot.
- The existing and proposed sanitary house connections shall be shown complete (connecting to the existing sanitary main) on the drawings.
- Profiles for the proposed sanitary house connections shall be added to the drawings.
- Cleanouts shall be shown and labeled along all of the existing and proposed sanitary house connections. The top and invert elevations for every sanitary house connection cleanout shall be added to the plans.
- The drawing depicts the existing sanitary house connection running through proposed Lot 3. An easement through lot 3, to the benefit of Lot 2, shall be proposed and shown on the drawings, including the metes and bounds. A written easement shall be submitted to the Town Attorney's office and this Department for review and approval.
- All utility connections (electric, gas, water, sanitary sewer, caber/ fiber, etc.) shall be shown complete (from mains to the homes) for all three homes of the subdivision.
- All existing foliage/ trees/ etc. shall be located and added to the plans. The symbol(s) for same shall be added to the drawing legend.
- The drawings shall show all proposed tree removals.

TOWN CLERK'S OFFICE
2024 OCT 24 A 9:19
TOWN OF ORANGETOWN

**PB #24-41: 25 Whittier Road Subdivision Plan
Final Site Plan Subject to Conditions
NEG DEC**

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 8 of 13**

CONTINUATION OF CONDITION # 6

- A landscaping plan shall be added to the drawing set.
 - The edge of pavement symbol shown on the drawing does not match the symbol in the legend. This shall be corrected. Also, the edge of pavement symbol is the same symbol as the designated street line. This too shall be corrected. All symbols shown on the drawing(s) shall be included in the drawing legend and match what is shown on the legend.
 - Typical details shall be included with the drawings (i.e. pavement, curbing, sanitary house connection, sanitary cleanout, etc.)
 - Monuments shall be drawn and labeled at **all** subdivision comers/ R.O.W.s for Whittier Road, Bradley Hill Road, Route 303.
 - Iron pins shall be clearly shown at each property comer. The symbol for same shall be added to the drawing legend.
 - The datum for the contours shall be given. 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 reviewed the information and offered the following comments:
- Show the distance from the closest hydrant to furthest portion of the building measuring along the Fire Apparatus Access Route. Greater than 600' may require the installation of fire hydrant. IFC 507.5.1.
 - Show the width of Whittier Road, required fire access road width is 20'.
 - Show that the fire access road is capable of supporting the imposed load of a Fire Apparatus weighing up to 75,000 pounds.
8. The Town of Orangetown Highway Department reviewed the information and offered the following comments:
- Please be advised that Whittier Road is not a Town road and does not appear on the NYS Local Highway Inventory.

TOWN OF ORANGETOWN
2024 OCT 24 A 9:19
TOWN CLERK'S OFFICE

**PB #24-41: 25 Whittier Road Subdivision Plan
Final Site Plan Subject to Conditions
NEG DEC**

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 9 of 13**

9. The Town of Orangetown Office of Parks and Recreation reviewed the information and offered the following comments:
 - In review of the 25 Whittier Rd. Subdivision Plan -3 lots, the Town of Orangetown Parks and Recreation Department recommends, pursuant to Orangetown Zoning Code Section 21-20.E and Town Board Resolution #396 dated May 8, 2006, which sets the amount of \$6,300.00 per lot for single family homes, that the Planning Board waive the requirement for the reservation of parkland and condition approval on payment of \$18,900.00 in lieu of parkland.
10. The Rockland County Department of Planning reviewed the plans and offered the following comments.
 - The Town shall be satisfied that the proposed residential subdivision is compliant with all applicable provisions of the Route 303 Overlay Zone, outlined in Article XIII, Section 13 .1 OB. of the Orangetown Zoning Code.
 - A review shall be completed by the New York State Department of Transportation and any required permits obtained.
 - A review must be completed by the County of Rockland Department of Highways and any required permits obtained from them.
 - The applicant must comply with the comments provided by the Rockland County Department of Health in their letter dated August 6, 2024.
 - As required by the Rockland County Stream Control Act, the subdivision 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.
 - Once a subdivision has been approved, a filed map cannot be used to convey property, nor can the tax maps be updated with the lot changes, until the deeds are filed with the County Clerk, conveying the portions of the lots that are required to achieve the lot configuration indicated on the subdivision map. The applicant and the Town must make sure that the deeds are properly filed with the Rockland County Clerk to ensure that the tax maps are properly updated.
 - Prior to the start of demolition, construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition (November 2016) of the New York State Standards for Urban Erosion and Sediment Control.
 - There shall be no net increase in the peak rate of discharge from the site at all design points.

TOWN OF ORANGETOWN
OCT 24 9:19
TOWN CLERK'S OFFICE

**PB #24-41: 25 Whittier Road Subdivision Plan
Final Site Plan Subject to Conditions
NEG DEC**

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 10 of 13**

CONTINUATION OF CONDITION # 10....

- A Stormwater Pollution Prevention Plan (SWPPP), if required for development, shall be provided and conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.
- Water is a scarce resource in Rockland County; thus, proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.
- Any future site plan and variance applications required to implement the proposed subdivision must be referred to this department, as required by New York State General Municipal Law, Section 239-m.
- Pursuant to New York State General Municipal Law (GML) Sections 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County's Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.
- In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County agencies are prohibited from issuing a County permit, license, or approval until the report is filed with the County's Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner's report approving the proposed action or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

11. The Rockland County Department of Health (RCDOH) reviewed the plans and offered the following comments:

- Realty Subdivision application is to be made to this office

TOWN OF ORANGETOWN
2024 OCT 24 A 9: 20
TOWN CLERK'S OFFICE

**PB #24-41: 25 Whittier Road Subdivision Plan
Final Site Plan Subject to Conditions
NEG DEC**

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 11 of 13**

CONTINUATION OF CONDITION # 11

- Should the Board require a stormwater management system to remediate the increase in impervious surface, application is to be made to the RCDOH for review of the system for compliance with the County Mosquito Code.

12. The Rockland County Sewer District NO. 1 reviewed the information and offered the following comments:

- The Rockland County Sewer District No. 1 does not object to the Planning Board serving as lead agency for this review.
- The 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

13. Orange and Rockland Utilities, Inc. reviewed the information and offered the following comments:

- Being that this is only a lot subdivision and no construction activities, there are no gas conflicts. Please contact O&R's new business department for any new customers.

14. 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:

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

TOWN OF ORANGETOWN
OCT 24 A 9:20
TOWN CLERK'S OFFICE

**PB #24-41: 25 Whittier Road Subdivision Plan
Final Site Plan Subject to Conditions
NEG DEC**

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 12 of 13**

CONTINUATION OF CONDITION # 14

- ii. 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:
 - 1. 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.
 - 2. 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.

- 15. All landscaping shown on the site plan shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.
- 16. 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.
- 17. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
- 18. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the

TOWN OF ORANGETOWN
2024 OCT 24 A 9:20
TOWN ENGINEERING OFFICE

**PB #24-41: 25 Whittier Road Subdivision Plan
Final Site Plan Subject to Conditions
NEG DEC**

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 13 of 13**

CONTINUATION OF CONDITION # 18

applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).

19. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
20. 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
21. A note shall be included on the filed site plan to the effect that approval is granted for ITE Land Use Code 150 warehousing only, and any future intent for alternate warehousing will require a new application to the Building Department and Planning Board.
22. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

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

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

Dated: September 25, 2024

Gerard Chesterman, Town of Orangetown Planning Board



TOWN OF ORANGETOWN
2024 OCT 24 A 9:20
TOWN CLERK'S OFFICE

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

**PB #24-41: 25 Whittier Road Subdivision Plan
Final Site Plan Subject to Conditions
NEG DEC**

**Town of Orangetown Planning Board Decision
September 25, 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: 25 Whittier Road Subdivision Plan

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

DESCRIPTION OF ACTION: Final Site Plan Review

LOCATION: 25 Whittier 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
26 West Orangeburg Road, Orangeburg, NY 10962
Telephone Number: 845-359-8410

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



TOWN OF ORANGETOWN
2024 OCT 24 A 9:20
TOWN CLERK'S OFFICE

**PB #24-42: Palisades Free Library Site Plan-
Building Addition
Preliminary Site Plan Subject to Conditions
NEG DEC**

BLDC-4891-24

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 1 of 9**

**TO: Palisades Free Library Board of Trustees,
19 Closter Road, Palisades, New York 10964**
FROM: Orangetown Planning Board

**RE: PB #24-42 Palisades Free Library Site Plan – Building
Addition:** The application of the Board of Trustees Palisades Free Library, applicant and Owner, for Prepreliminary/ Preliminary/ Final Site Plan Amendment, at a site known as “Palisades Free Library”, 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 19 Closter Road, Palisades, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 78.17, Block 2, Lot 22 in the R-140 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held
Wednesday September 25, 2024

September 25, 2024

Michael Esmay, appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated September 11, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement (OBZPAE), Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated September 20, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 24, 2024.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated September 10, 2024.
5. Letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated September 16, 2024.
6. Letter from Rockland County Department of Health, signed by Elizabeth Mello, PE, dated August 1, 2024.
7. Letter from Rockland County Highway Department, signed by Dyan Rajasingham, dated July 24, 2024.
8. Letter from the Rockland County Sewer District # 1, signed by Nicholas King, Engineer I, dated September 6, 2024.
9. Short Environmental Assessment Form, signed by Majorie Galen, dated April 26, 2024
10. Letter from Michael Esmay, Architect, dated April 25, 2024.
11. Palisades Free Library Drainage Improvement, prepared by Brooker Engineering, dated September 5, 2024.

TOWN CLERK'S OFFICE
2024 OCT 24 A 9:20
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 2 of 9**

12. Topographical Survey for Palisades Free Library, prepared by Sparaco & Youngblood, PLLC, dated May 22, 2014
13. Addition & Alteration to the Palisades Free Library, prepared and signed by Michael Esmay, Architect, last revised June 18, 2024:
 - Page 1: Site Plan & Floor Plan
 - Page 2: Section A, South Elevation, Wall Section & Roof Details
14. Letter/Notice from the Rockland County Department of Planning, signed by Jake Palant, dated July 24, 2024

The Board reviewed the plan. The meeting was open to the public.

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

2024 OCT 24 A 9:20
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 3 of 9**

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

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, aye; Bruce Bond, (Alternate Member), aye; Denise Lenihan, aye; and Lisa DeFeciani, aye, the Board declared a Negative Declaration.

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

TOWN CLERK'S OFFICE

2024 OCT 24 A 9 21

TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 4 of 9**

1. 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.
2. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.
3. 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.
4. The Town of Orangetown Department of Building, Zoning, Planning Administration and Enforcement reviewed the Information and has the following comments:
 1. Per Chapter 43, Table 3.12, R-40 zoning district the following bulk variances are required;
 - A. Column 4, max FAR permitted is 0.15 with 0.31 existing and 0.325 proposed.
 - B. Column 9, min side yard required is 30' with 12' proposed.
 2. Per Chapter 43, Table 3.11, R-40 district, column 6, #3, minimum off-street parking required is 21 spots with 11 existing and proposed.
 3. Per Town Code Chapter 2, section 2-4, ACABOR review is required.
 4. Per Town Code Chapter 12, section 12-4, HABR review is required.
 5. The SEAF needs to be revised as follows;
 - No. 12a should be YES, 12b should be NO
 - No. 13a should be YES
5. The Town of Orangetown Department of Environmental Management and Engineering (DEME) reviewed the information and offered the following comments:
 1. The "*Site Plan & Floor Plan*" drawing shall show all of the existing drainage facilities more clearly.

TOWN CLERK'S OFFICE
OCT 24 9:21
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 5 of 9**

Continuation of Condition # 5.....

2. The total area of disturbance shall be added to the site plan.
 3. The "Site Plan & Floor Plan" drawing depicts the new elliptical drainage pipe running along the proposed addition. Will the footing/ foundation for the proposed addition impact the proposed piping? Is the footing/ foundation within the zone of influence of the piping? Profile/ cross section showing these improvements shall be added to the plan
 4. Soil erosion and sediment control plans and details shall be submitted with the drawing set for review and approval.
 5. The existing sanitary building connection shall be shown on the site plan.
 6. All existing and proposed easements (if applicable) shall be shown on the plan, including page and liber or instrument number, metes and bounds, utility location within easement and ownership.
 7. The datum for the contours shall be given. A note shall be added to the Site Plan indicating the source benchmark for the referenced datum (including the BM elevation.)
6. The Town of Orangetown Bureau of Fire Prevention reviewed the information and does not have any comments at this time.
 7. The Rockland County Department of Planning reviewed the plans and offered the following comments.
 1. The applicant must comply with the Rockland County Highway Department's letter of July 24, 2024, and all required permits obtained.
 2. The applicant must comply with the letter from the Rockland County Department of Health issued on August 1, 2024.
 3. The site is located in both a locally designated historic district and a district that is listed on the National Register of Historic Places. Therefore, we recommend that any new structures or changes to this site be supportive and protective of the historic and architectural values of the site and neighborhood. As question 12b. of the Short Environmental Assessment form (SEAF) is answered affirmatively, a review must be completed by the New York State Office of Historic Preservation.

TOWN CLERK'S OFFICE

2024 OCT 24 A 9 21

TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 6 of 9**

Continuation of Condition # 7.....

4. There shall be no net increase in the peak rate of discharge from the site at all design points.
 5. Two 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 and 13a 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.
 6. We request the opportunity to review the variances that are needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).
 7. 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.
 8. 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.
8. The Rockland County Department of Health (RCDOH) reviewed the plans and offered the following comments:
1. Application is to be made to the Rockland County Department of Health for review of the storm water management system for compliance with the County Mosquito code.

TOWN CLERK'S OFFICE
2024 OCT 24 A 9 21
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 7 of 9**

9. The Rockland County Highway Department reviewed the information and offered the following comments:

1. 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.

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:

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

TOWN CLERK'S OFFICE
OCT 24 9:21
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 8 of 9**

11. All landscaping shown on the site plan shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.
12. Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.
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, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).
15. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
16. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications
17. A note shall be included on the filed site plan to the effect that approval is granted for ITE Land Use Code 150 warehousing only, and any future intent for alternate warehousing will require a new application to the Building Department and Planning Board.
18. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

TOWN CLERK'S OFFICE

2024 OCT 24 A 9:21

TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 9 of 9**

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

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

Dated: September 25, 2024

Gerard Chesterman, Town of Orangetown Planning Board



TOWN OF ORANGETOWN
2024 OCT 24 A 9:22
TOWN CLERK'S OFFICE

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

**PB #24-42: Palisades Free Library Site Plan-
Building Addition
Preliminary Site Plan Subject to Conditions
NEG DEC**

BLDC-4891-24

**Town of Orangetown Planning Board Decision
September 25, 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: Palisades Free Library Site Plan – Building Addition

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

DESCRIPTION OF ACTION: Preliminary Site Plan Review
LOCATION: 19 Closter Road, Palisades, New York 10964

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 West Orangeburg Road, Orangeburg, NY 10962
Telephone Number: 845-359-8410

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



TOWN CLERK'S OFFICE

2024 OCT 24 A 9:22

TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 1 of 10**

**TO: David Fisher, 96 Franklin Avenue, Pearl River, New York 10965
FROM: Orangetown Planning Board**

RE: PB #24-43 Wyman – Fisher Site Plan: The application of David Fisher, applicant and owner, for Prepreliminary/ Preliminary/ Final Site Plan, at a site known as “Wyman - Fisher”, 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 96-100 Franklin Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 2, Lot 70 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held
Wednesday September 25, 2024

September 25, 2024

Bart Rodi, David Fisher and Chris Verge, appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated September 11, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement (OBZPAE), Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated September 24, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 24, 2024.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated September 10, 2024.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated September 24, 2024.
6. Letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated September 17, 2024.
7. Letter from Rockland County Department of Health, signed by Elizabeth Mello, PE, dated August 2, 2024.
8. Letter from Rockland County Highway Department, signed by Dyan Rajasingham, dated July 25, 2024.
9. Letter from Applicant Bart Rodi, dated September 11, 2024.
10. Project Narrative, dated February 24, 2024.
11. As-Built Plans Proposed Elevations: Wyman Fisher Funeral Home, prepared and signed by Bart Rodi, last revised April 22, 2024
12. Preliminary Floor Plans: Wyman Fisher Funeral Home, prepared and signed by Bart Rodi, last revised April 22, 2024

TOWN CLERK'S OFFICE

2024 OCT 24 A 9:22

TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 2 of 10**

13. Site Plan: Wyman Fisher Funeral Home, prepared and signed by Bart Rodi, last revised April 22, 2024.
14. Letter/ Notice from the Rockland County Department of Planning, signed by Jake Palant, dated July 22, 2024.

The Board reviewed the plan. The meeting was open to the public.

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

TOWN CLERK'S OFFICE
2024 OCT 24 A 9:22
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 3 of 10**

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

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

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

1. The following note shall be placed on the subdivision 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

TOWN CLERK'S OFFICE
2024 OCT 24 A 9:22
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 4 of 10**

CONTINUATION OF CONDITION # 1

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. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.
4. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Site Plan is stamped and the construction plans are reviewed and approved by the inspector.
5. The Town of Orangetown Department of Building, Zoning, Planning Administration and Enforcement reviewed the Information and has the following comments:
 1. Per Chapter 43, Article IX, section 9.2 Degree of nonconforming bulk not to be increased. A new one-story addition is proposed to the west side of the residential structure and new second story addition is proposed over both the existing west side and east side of the structure. Per Chapter 43, table 3.12, column 11, required rear yard is 25 feet with 2.7' proposed to the new one-story addition, 1.1 feet proposed to the west side second story addition and .5 proposed to the east side second story addition.
 2. Per Chapter 43, Article IX, section 9.34; A nonconforming use shall not be extended except as follows: To the extent the district bulk regulations permit, and on application of the Board of Appeals, any use, except a sign, first permitted by right or by special permit, in any district, may be extended up to but not exceeding an aggregate increase of 50% in its floor area or of its land area occupancy if a nonbuilding use. However, this provision may be used only once for each such use.
 3. Per Chapter 2, section 2-4, ACABOR review is required.
 4. The SEAF appears to be in order.

TOWN CLERK'S OFFICE
2024 OCT 24 A 9:23
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 5 of 10**

5. 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 signed by the Chairman to the Board and the construction plans are reviewed and approved by the inspector.
6. The Town of Orangetown Department of Environmental Management and Engineering (DEME) reviewed the information and offered the following comments:
 1. The total area of disturbance shall be added to the site plan.
 2. The tables on the site plan shall be revised to show each individual impervious area that is being removed -- with summation/ total, each impervious area being created - with summation/ total, each pervious area being removed - with summation/ total and each pervious area being created (if applicable)-with summation/ total.
 3. All existing and proposed - pervious and impervious areas shall be clearly dimensioned on the site plan.
 4. The final surface/ cover for all impervious areas that are being removed, shall be clearly noted on the site plan.
 5. The existing sanitary building/ house connections shall be shown on the site plan.
 6. Soil erosion and sediment control plans and details shall be submitted with the drawing set for review and approval.
 7. All existing and proposed easements (if applicable) shall be shown on the plan, including page and liber or instrument number, metes and bounds, utility location within easement and ownership.
7. The Town of Orangetown Bureau of Fire Prevention reviewed the information and does not have any comments at this time.

8. Drainage Review – Brooker Engineering

Based on the information provided, there are no potential significant adverse impacts with respect to stormwater runoff that require mitigation. Therefore, we recommend that the Wyman Fisher Funeral Home Site Plan be approved for drainage subject to the following Project Comments.

Project Description

This is the first drainage review report for this modified site plan approval project. The developed property is located on the south side of Franklin Avenue and contains an existing commercial structure with associated parking and detached garage. The detached garage will have a 320 SF building addition on the west side of the existing structure. Portions of

TOWN CLERK'S OFFICE
2024 OCT 24 A 9:23
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 6 of 10**

existing pavement will be removed to compensate for the new building addition; there is a net decrease of 36 SF of impervious areas. There is an overall reduction in impervious area and stormwater runoff from the site and existing drainage patterns are being maintained. No post construction stormwater management facilities are proposed and none are required.

Comments

1. Provide existing and proposed grading for the site; show positive drainage away from the new building addition in all directions.
 2. Show roof leaders for the detached garage and verify there will be no point sources of discharge that will impact the property to the south.
 3. Provide finished floor elevations and building dimensions for the addition.
 4. Provide sediment and erosion control measures during construction.
 5. Show proposed ground cover in areas where pavement is being removed.
 6. Provide overall limit of disturbance of the proposed work on the site plan.
9. The Rockland County Department of Planning reviewed the plans and offered the following comments.
- i. The expansion of a nonconforming use generally requires a use variance. Sheet A-2 of the preliminary floorplans indicates that the proposed additions will increase the area of the nonconforming dwelling by 59%. Chapter 43, Article IX, Section 9.34 provides a specific mechanism with limited circumstances by which a nonconforming use may be expanded, with one of those conditions being that the nonconforming use cannot be expanded by more than 50%. Since the applicant is requesting the enlargement of a non-permitted use and does not meet the criteria to allow that enlargement as per Section 9.34, a use variance rather than an area variance is required. This department is not generally in favor of granting use variances because of the land use precedent that can be set. An applicant must prove that applicable zoning regulations and restrictions have caused unnecessary hardship for a use variance to be granted. To prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals (ZBA) that for each and every permitted use under the zoning regulations for the particular district where the property is located:
 - ii. The applicant cannot realize a reasonable return, provided the lack of return is substantial as shown by competent financial evidence.
 - iii. The alleged hardship is unique and does not apply to a substantial portion of the district or neighborhood.
 - iv. The requested variance will not alter the essential character of the neighborhood.
 - v. The alleged hardship is not self-created.

TOWN OF ORANGETOWN
2024 OCT 24 9:23

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 7 of 10**

CONTINUATION OF CONDITION # 9.....

The applicant has not attempted to demonstrate that an unnecessary hardship exists. Without the documentation to warrant a use variance, the site plan must be disapproved, and the proposed additions reduced in scale.

The following comments address our additional concerns about the proposal:

- b. The proposed addition is only 2.7 feet away from the rear property line, encroaching into the required rear yard by 89%. Since this addition is creating more space that does not comply with the minimum bulk requirements, a rear yard variance may be required. Any additional variances required to permit the proposed site plan must be forwarded to this department for review, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).
- c. 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.
- d. The applicant must comply with the comments provided by the Rockland County Highway Department in their letter of July 25, 2024.
- e. A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town of Orangetown Fire Inspector, or the Pearl River Fire District to ensure that the site is designed in a safe manner and there is sufficient maneuverability on the site for emergency vehicles.
- f. Prior to the start of demolition, construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition (November 2016) of the New York State Standards for Urban Erosion and Sediment Control.
- g. There shall be no net increase in the peak rate of discharge from the site at all design points.
- h. 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.

TOWN OF ORANGETOWN
2024 OCT 24 A 9:23
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
September 25, 2024
Page 8 of 10**

CONTINUATION OF CONDITION # 9.....

- i. 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 Department of Health (RCDOH) reviewed the plans and offered the following comments:
- i. The Rockland County Department of Health have received a Notification of Intent to Act as Lead Agency, a Short Environmental Assessment Form (EAF), other supporting documentation and plans as prepared by Bart M. Rodi, dated April 22, 2024, for the above referenced project. This office has no objection to the Town of Orangetown Planning Board acting as Lead Agency for this project. Detailed engineering plans are to be provided so that it can be determined if additional approvals from this department are required.
11. The Rockland County Highway Department reviewed the information and offered the following comments:
- i. The RCHD consents that the Town of Orangetown Planning Board serve as Lead Agency for coordinated environmental review of the proposed action.
 - ii. The applicant shall make sure the existing/proposed drainage system in the parcel would not increase the peak rate of discharge as it enters the public highway drainage system due to the proposed action.
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:
- No construction equipment shall be parked under the tree canopy.
 - There will be no excavation or stockpiling of earth underneath the trees.

TOWN OF ORANGETOWN
2024 OCT 24 A 9: 23
TOWN CLERK'S OFFICE

Town of Orangetown Planning Board Decision
September 25, 2024
Page 9 of 10

CONTINUATION OF CONDITION # 12.....

- Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
- The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - i. One (1) foot radius from trunk per inch DBH
 - ii. 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:
 - 1. 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.
 - 2. 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 plan shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.
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.

TOWN OF ORANGETOWN
2024 OCT 24 A 9:23
TOWN CLERK'S OFFICE


Town of Orangetown Planning Board Decision
September 25, 2024
Page 10 of 10

16. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).
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. A note shall be included on the filed site plan to the effect that approval is granted for ITE Land Use Code 150 warehousing only, and any future intent for alternate warehousing will require a new application to the Building Department and Planning Board.
20. 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 second by Bond (alternate member) and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel – Vice Chairman, aye; Michael McCrory, aye; Lisa DeFeciani, absent; Bruce Bond (alternate member), aye; and Andrew Andrews, aye.

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

Dated: September 25, 2024
Gerard Chesterman, Town of Orangetown Planning Board



TOWN OF ORANGETOWN
2024 OCT 24 A 9:23
TOWN CLERK'S OFFICE

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

**PB #24-43: Wyman-Fisher Site plan
Preliminary Site Plan Subject to Conditions
NEG DEC**

BLDC-3300-23

**Town of Orangetown Planning Board Decision
September 25, 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: Wyman-Fisher Site Plan

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

DESCRIPTION OF ACTION: Preliminary Site Plan Review

LOCATION: 96-100 Franklin Avenue, 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
26 West Orangeburg Road, Orangeburg, NY 10962
Telephone Number: 845-359-8410

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



TOWN OF ORANGETOWN
2024 OCT 24 A 9 23
TOWN CLERK'S OFFICE