

**TOWN OF ORANGETOWN PLANNING BOARD**  
**Meeting of Wednesday, October 23, 2024**

**MEMBERS PRESENT:**

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

**MEMBER ABSENT:** None

**ALSO, PRESENT:** Rick Oliver, Deputy Building Inspector, Office of Building, Zoning, Planning Administration and Enforcement, Rick Pakola, Deputy Town Attorney; Ann Marie Ambrose, Stenographer, Gerard Chesterman, Planning Assistant and Barbara Gionta, Legislative Aide

Thomas Warren, Chairman called the meeting to order at 7:30 p.m.  
Mr. Mandel read the agenda. Hearings as listed on this meeting's agenda which are made a part of these minutes were held as noted below:

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

**622 Route 303 Site Plan Al Foxie Way**  
Prepreliminary/Preliminary/Final Site Plan  
and SEQRA Review  
622 Route 303, Blauvelt  
Section 65.14/1/11.2 & 11.3;  
LI Zoning District

PB #23-34  
**POSTPONED TO  
DECEMBER 11, 2024  
PLANNING BOARD  
MEETING**

**Postponed Item from October 9, 2024 Meeting**

**Caruana Resubdivision Plan**  
Prepreliminary/Preliminary/Final  
and SEQRA Review  
81 & 65 Rockland Road, Sparkill  
Section 78.05, Block 1, Lot 26  
Section 75.17, Block 2, Lot 1.3;  
R-40 Zoning District

**Final with  
Conditions**

PB #24-44

**New Items:**

**Praxair – Installation of Hazmat Storage  
Container Site Plan**

Prepreliminary/Preliminary/Final  
Site Plan and SEQRA Review  
542 Route 303, Orangeburg  
Section 70.19/1/46; LO Zoning District

**Continuation**

PB #24-46

**Mativ Holding Inc. Site Plan / Parking Plan**

Prepreliminary/Preliminary/Final Site Plan  
and SEQRA Review  
25 Corporate Drive, Orangeburg  
Section 73.19/1/6; LIO Zoning District

**Continuation**

PB #24-47

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**18 DeLongis Court Plan-Retaining Wall**  
Prepreliminary/Preliminary/Final Site Plan  
and SEQRA Review  
18 DeLongis Court, Sparkill  
Section 77.12/1/34.3;  
RG Zoning District

**PB #24-48**

**Final with  
Conditions**

**STAC Track and Field Site Plan**  
Prepreliminary/Preliminary/ Final  
Site Plan and SEQRA Review  
175 NY-340, Sparkill  
Section 74.16/1/2.1;  
R-40 Zoning District

**PB #24-49**

**Continuation**

**Onyx Equities Re-Subdivision Plan**  
Request for 2 – 90 Day Extensions  
64 & 140 Leber Road, Blauvelt  
Section 70.06, Block 1, Lots  
50.4 & 47; R-40/LO Zoning District

**PB #24-07**

**(2) 90 Day Extensions  
Granted**

### **October 9, 2024 Planning Board Meeting**

**Other Business:** Borough of Rockleigh: An Ordinance to Amend Chapter XXXIV of the Code of the Borough of Rockleigh Entitled, "Zoning"

The Board reviewed the submitted referral and had no comment. The Board made a motion to grant Local Determination. A motion was made by Michael Mandel – Vice Chairman and seconded by Denise Lenihan, and carried as follows: Matthew Miller, aye; Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel – Vice Chairman, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), not voting; and Andrew Andrews, aye.

The decisions of the September 11, 2024 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel - Vice Chairman and seconded by Andrew Andrews and carried as follows: Matthew Miller, aye; Thomas Warren - Chairman, aye; Michael Mandel - Vice Chairman, aye; Michael McCrory, abstain; Andrew Andrews, aye; Denise Lenihan, aye; Bruce Bond (alternate member), aye; and Lisa DeFeciani, aye.

The decisions of the September 25, 2024 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel - Vice Chairman and seconded by Andrew Andrews and carried as follows: Matthew Miller, aye; Thomas Warren - Chairman, aye; Michael Mandel - Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Bruce Bond (alternate member), abstain; and Lisa DeFeciani, aye

The decisions of the October 9, 2024 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel - Vice Chairman and seconded by Andrew Andrews and carried as follows: Matthew Miller, aye; Thomas Warren - Chairman, abstain; Michael Mandel - Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Bruce Bond (alternate member), aye; and Lisa DeFeciani, aye.

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Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Michael Mandel – Vice Chairman and seconded by Denise Lenihan and agreed to by all in attendance. The meeting was adjourned at 9:18 p.m. The next Planning Board meeting is scheduled for November 13, 2024.

**Dated: October 23, 2024**  
**Gerard Chesterman, Planning Assistant**  
**Town of Orangetown Planning Board**



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**PB #24-44: Caruana Resubdivision Plan  
Final Site Plan  
Subject to Conditions / NEG DEC.**

**Town of Orangetown Planning Board Decision  
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**TO: Lucia Caruana, 81 Rockland Road, Sparkill, New York 10976  
FROM: Town of Orangetown Planning Board**

**PB #24-31: Caruana Re-Subdivision Plan:** The application of the Lucia Caruana, applicant and owner, for Prepreliminary/ Preliminary/ Final approval, at a site known as “**Caruana Re-Subdivision 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 81 & 65 Rockland Road, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 78.05, Block 1, Lot 26 in the R-40 zoning district and as Section 75.17, Block 2, Lot 1.3 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **October 23, 2024** at which time the Board made the following determinations:

**October 23, 2024**

Lucia Caruana, applicant and owner, appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated September 25, 2024 and October 9, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, Director, October 17, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown signed by Bruce Peters, P.E., Commissioner, dated October 8, 2024.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated September 23, 2024.
5. Letter from Rockland County Department of Planning, signed by Douglas J. Schuetz, dated October 1, 2024
6. Letter from Rockland County Sewer District NO. 1, signed by Nicholas King, dated September 23, 2024.
7. Letter from Orange and Rockland Utilities, signed by Alfred Gaddi, P.E., dated August 30, 2024
8. Letter from the Village of Piermont, signed by Christian Catania, Clerk to the Land Use Boards, dated October 7, 2024.
9. Lot Line Re-Appportionment for #63/65 & 81 Rockland Avenue, prepared and signed by Stephen F. Hoppe, L.S., dated April 26, 2024
10. Applicant letter from Salvatore and Lucia Caruana, dated July 29, 2024.
11. Applicant letter from Laura Murphy, dated July 29, 2024.
12. Notice from the Rockland County Department of Planning, signed by Jake Palant, dated August 23, 2024.
13. Notice from Veolia, signed by Bill Prehoda, dated October 7, 2024.

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14. Notice from the New York State Department of Transportation, signed by David Groucher, dated August 26, 2024.
15. Notice from the Village of Piermont, signed by David Levy, Planning Board Chairman., dated September 9, 2024.

A motion was made to open the Public Hearing portion of the meeting by Michael Mandel-Vice Chairman and second by Denise Lenihan and carried as follows: Matthew Miller, aye; Thomas Warren - Chairman, aye; Michael Mandel - Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Bruce Bond (alternate member), not voting; and Lisa DeFeciani, aye.

There being no one else to be heard from the public, a motion was made to close the public portion of the meeting by Michael Mandel-Vice Chairman and second by Andrew Andrews and carried as follows: Matthew Miller, aye; Thomas Warren - Chairman, aye; Michael Mandel - Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Bruce Bond (alternate member), not voting; and Lisa DeFeciani, aye

**SEQRA**

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, and the applicant's consultant and having heard from the following

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

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

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- 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 Andrew Andrews and seconded by Michael Mandel - Vice Chairman and carried as follows: Matthew Miller, aye; Thomas Warren - Chairman, aye; Michael Mandel - Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Bruce Bond (alternate member), not voting; and Lisa DeFeciani, aye. The Board declared itself Lead Agency.

On motion by Michael Mandel-Vice Chairman and seconded by Lisa Defeciani and carried as follows: Matthew Miller, aye; Thomas Warren - Chairman, aye; Michael Mandel - Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Bruce Bond (alternate member), not voting; and Lisa DeFeciani, aye. The Board made a Negative Declaration pursuant to SEQRA.

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."

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2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the plan.
4. Short Environmental Assessment Form (short EAF) #7 and #13 must be corrected because the site is located in an environmentally sensitive area.
5. As per Rockland County Planning #12A and # 12B on the EAF must be corrected. Since Rockland County Planning was in error, 12a and 12b were correct on the SEAF submitted by the applicant therefore this cannot be a condition.
6. The Town of Orangetown Office of Building, Zoning, Planning, Administration and Enforcement reviewed the information and has no objection to the lot line change.
7. The Town of Orangetown Department of Environmental Management and Engineering (DEME) reviewed the information and has no comments at this time
8. The Town of Orangetown Bureau of Fire Prevention reviewed the information and does not have any comments at this time.
9. The Rockland County Department of Planning reviewed the information and offered the following comments:
  1. A review must be completed by the Palisades Interstate Park Commission, and any raised concerns addressed.
  2. As required by the Rockland County Stream Control Act, the subdivision plan 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.
  3. 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.

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**CONTINUATION OF CONDITION # 7.....**

4. The Village of Piermont is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 160 feet northwest of the site. As required under Section 239nn of the State General Municipal Law, the Village of Piermont must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Orangetown.
5. 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 7, 12a, 12b, and 13 on the SEAF should be answered affirmatively. To ensure accurate SEQ RA 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. The Sparkill Creek is one of the reasons this proposal was referred to this department for review. The subject site is in the Sparkill Creek watershed and is approximately 200 feet east of the Sparkill Creek and less than 100 feet from the 100-foot buffer of the 100-year floodplain. Development that results in an increase in impervious cover causes additional stormwater pollutants such as excess fertilizers, pesticides, oil, sediment, and road salt running off into local waterways. The Sparkill Creek is listed in the FINAL New York State 2018 Section 303(d) List of Impaired/TMDL Waters (June 2020) as a waterbody with impairments that do not support best uses and requires development of a Total Maximum Daily Load (TMDL). The pollutants identified are fecal coliform and oxygen demand. The suspected source of the pollution is urban/stormwater runoff. While this lot line adjustment will not impact the Creek, the Board should carefully review any future development that results in an increase in impervious areas and/or land disturbances. Development applications within the Sparkill Creek watershed must consider the adverse impacts of potential pollutant loadings to the Creek.
7. The Hudson Valley Natural Resources Mapper (<https://gisservices.dec.ny.gov/gis/hvnm/>) identifies the subject site as a Significant Biodiversity Area (SBA) and known area for migratory fish. SBAs are landscape areas in the Hudson River Estuary that contain high concentrations of biodiversity or unique ecological features. These areas contribute to and serve as a framework for conservation partnerships and voluntary protection efforts. One of the most significant threats to biodiversity is habitat destruction, alteration, and fragmentation. Careful consideration

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**CONTINUATION OF CONDITION # 7.....**

should be given to development impacts with an SBA. Proactive planning that avoids or minimizes impact to the habitat of Important areas and maintains habitat connections for wildlife movement will contribute to the long-term biodiversity of the region.

8. 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.
9. In addition, pursuant to Executive Order O 1-2017 signed by County Executive Day on May 22, 2017, County agencies are prohibited from issuing a County permit, license, or approval until the report is filed with the County's Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner's report approving the proposed action or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.
10. The Rockland County Sewer District # 1 reviewed the information and offered the following comments
  1. Rockland County Sewer District No. 1 does not object to the Planning Board serving as lead agency for this review.
  2. Rockland County Sewer District No. 1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District. We request no future correspondence for this site.
11. Orange and Rockland Utilities reviewed the information and offered the following comment:
  1. Based on the maps provided, there does not seem to be any conflicts with the existing gas facilities as it is only a property line change. If construction is to occur, please provide updated maps.
12. The Incorporated Village of Piermont Reviewed the information and does not have any comments at this time.
13. TREE PROTECTION: The following note shall be placed on the Site Plan:  
The Tree Protection and Preservation Guidelines adopted pursuant to

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

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.

14. All landscaping shown on the site plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.
15. Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control

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**CONTINUATION OF CONDITION # 15.....**

as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.

16. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
17. If the applicant, during the course of construction of any required public improvements or private sanitary or storm sewer improvements, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant (or the applicant's engineer) shall submit their recommendations as to the special treatment or design modification to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's (applicant's engineer's) recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's (applicant's engineer's) disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Federal Wetlands - U.S. Army Corps of Engineers).
18. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
19. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications
20. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

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The foregoing Resolution was made and moved by Michael Mandel-Vice Chairman and second by Michael McCrory and carried as follows: Thomas Warren-Chairman, aye; Michael Mandel-Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Bruce Bond, (alternate member), not voting; Matthew Miller, aye, and Lisa DeFeciani, aye.

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

**Dated: October 23, 2024  
Gerard Chesterman, Planning Assistant  
Town of Orangetown Planning Board**



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**Town of Orangetown Planning Board  
State Environmental Quality Review Regulations  
NEGATIVE DECLARATION  
Notice of Determination of Non-Significance**

**PB #24-44: Caruana Resubdivision Plan  
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**Town of Orangetown Planning Board Decision  
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This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

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

**NAME OF ACTION: Caruana Resubdivision Plan**

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

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

**LOCATION:** The site is located at 65 and 81 Rockland Road, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section; 78.05, Block 1, Lot 26 and 75.17, Block 2, Lot 1.3 in the R-40 zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

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

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**PB #24-48 18 DeLongis Court  
Plan-Retaining Wall Site Plan  
Final Site Plan  
Subject to Conditions / NEG. DEC**

**Permit # BLDR-2854-23**

**Town of Orangetown Planning Board Decision  
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**TO: Michael Egan, 18 DeLongis Court, Sparkill, New York 10976  
FROM: Town of Orangetown Planning Board**

**PB #24-48: 18 DeLongis Court Plan-Retaining Wall:** The application of Michael Egan, applicant and owner, for Prepreliminary/ Preliminary/Final Site Plan Review at a site to be known as "18 DeLongis Court Plan-Retaining Wall", 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 18 DeLongis Court, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.12, Block 1, Lot 34.3; RG zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **October 23, 2024** at which time the Board made the following determinations:

Joy Diviny, appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated October 9, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, Director, dated October 17, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown signed by Bruce Peters, P.E., Commissioner, dated October 22, 2024.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated October 8, 2024.
5. Brooker Engineering Drainage Consultant letter, signed by Dennis Rocks, P.E., dated October 22, 2024
6. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated October 9, 2024.
7. Letter from the Rockland County Highway Department, signed by Dyan Rajasingham, dated October 7, 2024.
8. Letter from the Rockland County Sewer District NO. 1, Signed by Nicholas King, Engineer I, dated October 7, 2024.
9. Letter from the United States Army Corps. of Engineering, signed by Alexis Johnson, Regulatory Project Manager, dated September 25, 2024
10. Letter from Orange and Rockland Utilities, INC., signed by Alfred Gaddi, PE, dated September 24, 2024
11. Project description prepared by Joy Diviny, applicant.
12. Report Certification, prepared by Anthony Cecil Reneaud P.E. of Global Consultants LLC Design Studio, signed and dated December 21, 2022
13. Short Environmental Assessment form, prepared by Michael Egan, Homeowner, dated April 3, 2023.

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14. Notice from the Town of Orangetown Zoning Board of Appeals, signed by Michael J Bosco, dated September 18, 2024.
15. Notice from the Rockland County Department of planning, signed by Jake Palant, dated September 23, 2024.
16. Notice Letter from the Rockland County Highway Department, signed by Dyan Rajasingham, October 6, 2024.

A motion was made to open the public portion of the Hearing by Michael Mandel-Vice Chairman and second by Denise Lenihan and carried as follows: Thomas Warren-Chairman, aye; Michael Mandel-Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Bruce Bond, (alternate member), not voting; Matthew Miller, aye, and Lisa DeFeciani, aye.

There being no one from the Public, a motion was made to close the Public Hearing portion of the meeting by Andrew Andrews, and seconded by Michael Mandel-Vice Chairman and carried as follows: Thomas Warren-Chairman, aye; Michael Mandel-Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Bruce Bond, (alternate member), not voting; Matthew Miller, aye, and Lisa DeFeciani, aye.

**SEQRA**

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, and the applicant's consultant and having heard from the following

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

- Will not significantly affect existing air quality or noise levels;

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- 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: Matthew Miller, aye; Thomas Warren - Chairman, aye; Michael Mandel - Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Bruce Bond (alternate member), not voting; and Lisa DeFeciani, aye. The Board declared itself Lead Agency.

On motion by Michael Mandel-Vice Chairman and seconded by Denise Lenihan and carried as follows: Matthew Miller, aye; Thomas Warren - Chairman, aye; Michael Mandel - Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Bruce Bond (alternate member), not voting; and Lisa DeFeciani, aye. The Board made a Negative Declaration pursuant to SEQRA.

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction

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**CONTINUATION OF CONDITION # 1.....**

meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."

2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
4. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from various agencies, all approvals are obtained, the Final Site Plan is stamped and the construction plans are reviewed and approved by the inspector.
5. An updated letter from a certified Structural Engineer Licensed in New York state must be submitted.
6. Updated plans showing all the walls on the hillside of the property must be submitted.
7. The Town of Orangetown Office of Building, Zoning, Planning Administration and Code Enforcement reviewed the information and offered the following comments:
  1. Application is to legalize a retaining wall constructed without permits in the conservation easement.
  2. The survey shows one retaining wall, however the third photo on page 2 of 3 supplied by the applicant appears to show a stacked retaining wall behind the boulder retaining wall. Please clarify. If additional retaining walls do exist, the site survey must be updated to show ALL improvements.
8. The Town of Orangetown Department of Environmental Management and Engineering (DEME) has the following comments:
  1. **The Brief Description of Proposed Action.** on the Short EAF for the project, states that the "*Retaining wall installed in conservation easement. Wall was installed to hold back the sand and stone from eroding toward the home.*" However, given the rather severe

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**CONTINUATION OF CONDITION # 8.....**

regrading that has occurred on the site in the conservation easement - greatly increasing the slope from the Washington Avenue down to the home as depicted on the drawing. only increases the likelihood of erosion of the bank toward the home. I.e.. the risk of erosion would be less if the conservation easement was not encroached upon and regraded up to 8 feet in some areas.

2. In connection with comment #1, the regrading that has taken place increases the slope from Washington street in the back yard.
9. The Town of Orangetown Bureau of Fire Prevention had no comments and recommendations at this time.
10. The Rockland County Department of Planning had the following comments:
  1. A review must be completed by the County of Rockland Highway Department, all comments or concerns addressed, and all required permits obtained.
  2. A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
  3. There shall be no net increase in the peak rate of discharge from the site at all design points.
  4. Retaining walls shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.
  5. 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.
  6. 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

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**CONTINUATION OF CONDITION # 10.....**

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 Highway Department offered the following comments:

1. The RCHD consents that the Town of Orangetown Planning Board serve as Lead Agency for coordinated environmental review of the proposed action.
2. The proposed action would have no significant effects upon the County Road.
3. A road work permit shall be required from the RCHD prior to starting any construction work in the site.

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

1. Rockland County Sewer District No. 1 does not object to the Planning Board serving as lead agency for this review.
2. Rockland County Sewer District No. 1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District. We request no future correspondence for this site.

13. The United States Army Corps. of Engineering reviewed the information and offered the following comments:

1. A USACE permit may be necessary for the proposed work. If this is the case, please have the applicant submit an application package to CENAN-R-Permit-App@usace.army.mil so that the project can be reviewed. I have attached the applicant information guide for reference. Thank you!

14. Orange and Rockland Utilities, INC., reviewed the information and offered the following comment

1. Based on the maps provided, there does not seem to be any construction and would not impact any gas facilities.

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15. TREE PROTECTION: The following note shall be placed on the Site Plan: The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to preserve and protect existing trees to remain are as follows:
- i. No construction equipment shall be parked under the tree canopy.
  - ii. There will be no excavation or stockpiling of earth underneath the trees.
  - iii. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
  - iv. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
    - 1. One (1) foot radius from trunk per inch DBH
    - 2. Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
      - v. Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
      - vi. Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has

16. All landscaping shown on the site plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.
17. 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

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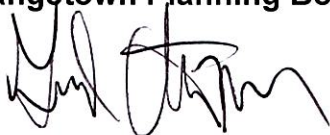
with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.

18. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
19. If the applicant, during the course of construction of any required public improvements or private sanitary or storm sewer improvements, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant (or the applicant's engineer) shall submit their recommendations as to the special treatment or design modification to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's (applicants' engineer's) recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's (applicants engineer's) disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Federal Wetlands - U.S. Army Corps of Engineers).
20. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
21. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

The foregoing Resolution was made and moved by Andrew Andrews and second by Michael Mandel-Vice Chairman and carried as follows: Thomas Warren-Chairman, aye; Michael Mandel-Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Bruce Bond, (alternate member), not voting; Matthew Miller, aye, and Lisa DeFeciani, aye.

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

**Dated: October 23, 2024  
Gerard Chesterman, Planning Assistant  
Town of Orangetown Planning Board**



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**Town of Orangetown Planning Board  
State Environmental Quality Review Regulations  
NEGATIVE DECLARATION  
Notice of Determination of Non-Significance**

**PB #24-48 18 DeLongis Court  
Plan-Retaining Wall Site Plan  
Final Site Plan  
Subject to Conditions / NEG. DEC**

**Permit # BLDR-2854-23**

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

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

**NAME OF ACTION: 18 Delongis Court Plan-Retaining Wall Site Plan**

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

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

**LOCATION:** The site is located at 18 Delongis Court, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.12, Block 1, Lot 34.3; RG zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

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

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**PB #24-07: Onyx Equities Re-Subdivision Plan      Permit # BLDC 3812-23  
(2) 90 Day Extensions Granted  
Extensions to File the Resubdivision Plan**

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

**PB #24-36:            Onyx Equities Resubdivision:** The application of Onyx Equities Resubdivision, by the applicant Onyx Management Group, LLC., on behalf of PG-OE 140 Leber Road Owner LLC., owner, for an Prepreliminary/ Preliminary/ Final Plan Review at a site known as “**Onyx Equities**”, for (2) 90 Day Extensions, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 64 & 140 Leber Road, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.06, Block 1, Lot 50.4 & 47 in the R1-40/LO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 23, 2024**, at which time the Board made the following determinations:

Taryn Ramey, Attorney of McCullough, Goldberger & Staudt, LLP, appeared and testified for the applicant

1. Project Review Committee dated October 9, 2024.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, Director, dated October 17, 2024.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 8, 2024.
4. A memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, to Zachary A. Kamm, P.E., signed by Eamon Reilly, P.E., dated May 17, 2024.
5. Applicant letter from Taryn Ramey, Attorney of McCullough, Goldberger & Staudt, LLP., dated September 16, 2024.
6. Email correspondence titled “Onyx Equities Watercourse Diversion Permit Request” between Bruce Peters, Zachary Kamm and Jane Slavin, dated October 11, 2024.

A motion was made to open the Public Hearing portion of the meeting by Michael Mandel-Vice Chairman and second by Denise Lenihan and carried as follows: Matthew Miller, aye; Thomas Warren - Chairman, aye; Michael Mandel - Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Bruce Bond (alternate member), not voting; and Lisa DeFeciani, aye.

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**PB #24-07: Onyx Equities Re-Subdivision Plan      Permit # BLDC 3812-23  
(2) 90 Day Extensions Granted  
Extensions to File the Resubdivision Plan**

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There being no one to be heard from the public, a motion was made to close the public portion of the meeting by Michael Mandel-Vice Chairman and second by Andrew Andrews and carried as follows: Matthew Miller, aye; Thomas Warren - Chairman, aye; Michael Mandel - Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Bruce Bond (alternate member), not voting; and Lisa DeFeciani, aye

**DECISION:** In view of the foregoing, the Board **GRANTED Two 90-Day Extensions to File the Resubdivision Plan with the Rockland County Clerk's Office**

The foregoing Resolution was made and moved by Michael Mandel-Vice Chairman and second by Andrew Andrews and carried as follows: Matthew Miller, aye; Thomas Warren - Chairman, aye; Michael Mandel - Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Bruce Bond (alternate member), not voting; and Lisa DeFeciani, aye

**Dated: October 23, 2024  
Gerard Chesterman, Planning Assistant  
Town of Orangetown Planning Board**



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