

TOWN OF ORANGETOWN PLANNING BOARD
Meeting of Wednesday, February 26, 2020

MEMBERS PRESENT:	William Young, Vice-Chairman
Michael Mandel	Michael McCrory
Andrew Andrews	Stephen Sweeney
Bruce Bond (alternate)	Robert Dell

MEMBER ABSENT: Thomas Warren, Chairman

ALSO PRESENT: Jane Slavin, Director, Office of Building, Zoning, Planning Administration and Enforcement; Rick Pakola, Deputy Town Attorney; Cheryl Coopersmith, Chief Clerk Boards and Commissions

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

New Items:

Smith-Kriz Site Plan	PB #20-12
Critical Environmental Area	Final Site Plan
Final Site Plan Review	Approval Subject
76 Old Mountain Road, Upper Grandview	to Conditions
71.05/1/26; R-22 zoning district	

Safe N Sound Site Plan	PB #20-13
Prepreliminary/Preliminary Site Plan	Continued:
and SEQRA	Submit Traffic
249 N. Middletown Road, Pearl River	Study
68.12/3/27; CO zoning district	

Continued Item from the November 13, 2019 Meeting:

1050 Route 9W Site Plan	PB #19-20
Critical Environmental Area	Final Site Plan
Prepreliminary/Preliminary/	Approval Subject
Final Site Plan and SEQRA Review	to Conditions
1050 Route 9W, Upper Grandview	Neg. Dec.
71.09/1/28; R-22 zoning district	

Other Business:

- **Town Board Referral** of the Pearl River Transit Oriented Development Zoning and Design Guidelines – Notice of Intent to establish Lead Agency. The Board expressed the following: While we agree the Town Board should be Lead Agency in SEQRA, we strongly recommend that the Town Board consider the following and do not go forward until the **following comments are addressed**.

The Board notes that the zoning map proposed still shows the Central Avenue Field, the Franklin Avenue Elementary School, the Pearl River Library and the Pearl River Fire Department in zones that could be

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February 26, 2020
Other Business Continued....

developed under this zoning proposal. Further, it differs from the map mailed by the Town of Orangetown to Pearl River residents in 2019.

Secondly, there are omissions and errors in the Full Environmental Assessment Form (FEAF).

- Part 1 – Land Uses E.1.d. omits the Pearl River Library, a group home for peoples with disabilities, the ARC Facility and the Central Avenue Field with a children's park and utilized by people with disabilities and the elderly.

- Proposed and Potential Development D.1.c. states the number of units will be 472 and the density bonus increase to 588 units. This is respectively and 18% and 47% increases above the approximately 400 units proposed at the September 17, 2019 public hearing.

- D.1g ii of the FEAF asks for maximum height of the structure and 3 story was entered, however the presentation states 45' and is a more accurate answer.

- Project Operations D.2.c states Suez has the capacity to serve the proposal. Water is a scarce commodity in this county according to the Rockland County Planning Department and confirmation should have been obtained from Suez Water.

- Part 2 #5 of the FEAF, Impact on Flooding, was marked "NO". According to the Form, if E2l.i, j, k, were marked "YES" in Part 1, this question must be answered in Part 2.

- Number 18, Consistency with Community Character, is marked "NO". Part 1, C.2 and C.3 parts are marked "YES", therefore the question should be marked "Yes", specifically in regards to subsection b - creates demand for additional community services, e.g. schools, police and fire.

How can this plan be sent out to other agencies for comment when the plan is flawed and additionally the previous public hearing on this plan should be reopened since the residents of Pearl River were never fully apprised of the actual number of units proposed.

- **The Club West at Pearl River – Phase II:** Request for land clearance prior to April 1, 2020 (73.10/1/5) was approved subject to the following conditions:
 - The applicant shall comply with PB#20-05, dated January 15, 2020, conditions #1 and #49. In addition, the site shall require a double row of silt fence around the entire tree clearing area, as well as NYSDEC standard construction entrance.
 - Note that this does not replace/ take the place of the final, when approved, SESC plans, this is just for the "temporary" tree removal work. In addition, the applicant shall have the Special Stormwater Criteria features remain in place until "actual" construction starts.

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February 26, 2020
Other Business Continued....

- The applicant shall contact Tom E. of the Town of Orangetown Department of Environmental Management and Engineering for a “pre-construction” meeting, just to go over the SESC requirements named above with the contractor.
 - Per condition 43 of PB#20-05, NYSDEC comments in an April 26, 2017 letter: State Listed Species; “Eagle nests are established each breeding season, which runs from January 1st to September 30th. Records shall be scheduled for new nests each year.” The applicant must obtain confirmation from NYSDEC that new nests have not been established.
 - The applicant is required to apply for a separate permit for tree removal.
- **Lipane – Weber Resubdivision** -183 & 185 North Lincoln Street, Pearl River (68.15/3/5 & 10): The Board approved a request for One 90 Day Extension to file the plat with Rockland County Clerk's Office. A motion for one 90 day extension was made and moved by Bruce Bond and seconded by Stephen Sweeney and carried as follows: Thomas Warren – Chairman, absent; William Young - Vice-Chairman, aye; Michael Mandel, aye; Stephen Sweeney, aye; Robert Dell, aye; Michael McCrory, aye; Bruce Bond, aye and Andrew Andrews, aye.
- **814 Route 9W Site Plan:** The applicant requested a waiver to appear at the Architecture and Community Appearance Board of Review (ACABOR). The Board did not grant the waiver and the applicant shall appear at ACABOR. (75.05/1/5)

The decisions of the January 29, 2020 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel and seconded by Stephen Sweeney and carried as follows: Thomas Warren – Chairman, absent; William Young - Vice-Chairman, aye; Michael Mandel, aye; Stephen Sweeney, aye; Robert Dell, aye; Michael McCrory, aye; Bruce Bond, aye and Andrew Andrews, aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Stephen Sweeney and seconded by Andrew Andrews and agreed to by all in attendance. The meeting was adjourned at 9:40 p.m. The next Planning Board meeting is scheduled for March 11, 2020.

DATED: February 26, 2020

Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown Planning Board



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**Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Town of Orangetown Planning Board Decision

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**TO: Jeffrey Hall, R.A., 251 West 102nd Street, New York,
New York 10025**
FROM: Orangetown Planning Board

RE: Smith-Kriz Site Plans: The application of Jeffrey Hall, applicant for Lucy Kriz and Michael Smith, owners, for a Final Site Plan Review at a site to be known, as “**Smith-Kriz Site Plans**”, located in the Critical Environmental Area, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 76 Old Mountain Road, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lot 26 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, February 26, 2020**, the Board made the following determinations:

Jeffrey Hall and Lucy Kriz appeared and testified to the Board.

The Board received the following communications:

1. Project Review Committee Report dated February 21, 2020.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated February 24, 2020.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated February 24, 2020.
4. A letter from Brooker Engineering signed by Kenneth DeGennaro, P.E., dated February 26, 2020.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated January 27, 2020.
6. Letters from the Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated February 6, 2020.
7. Letters from the Rockland County Highway Department signed by Dyan Rajasingham dated January 23 & 24, 2020 and an attachment of a letter to the Town of Orangetown Zoning Board of Appeals, dated October 29, 2019.
8. A Building Permit Referral prepared by Rick Oliver, Deputy Building Inspector dated March 29, 2019.

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**Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

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9. Site Plan prepared Robert Sorace, PLS, dated October 2, 2018, last revised September 27, 2019
10. Architectural Plans prepared by Jeffrey Hall, R.A., dated December 16, 2019.
11. Engineered plan prepared by Dominick Pilla, P.E., various dates.
12. Copies of Town of Orangetown

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, absent; William Young, Vice-Chairman, aye; Andrew Andrews, aye; Michael McCrory, aye; Michael Mandel, aye; Stephen Sweeney, aye; Bruce Bond, aye and Robert Dell, aye.

Reaffirmation of SEQRA:

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA.

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, the applicant's professional representatives, namely by Jeffrey Hall, R.A., Robert Sorace, PLS and Dominick Pilla, P.E., and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management

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**Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision
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and Engineering, and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Highways, Rockland County Health Department, Rockland County Sewer District #1, and having reviewed a Plan prepared by Jeffrey Hall, R.A., Robert Sorace, PLS and Dominick Pilla, P.E., a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

On motion by Bruce Bond and seconded by Michael Mandel and carried as follows: Thomas Warren – Chairman, absent; William Young - Vice-Chairman, aye; Michael Mandel, aye; Stephen Sweeney, aye; Robert Dell, aye; Michael McCroly, aye; Bruce Bond, aye and Andrew Andrews, aye, the Board made a Negative Declaration pursuant to SEQRA.

OFFICE SUPERVISOR
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TOWN OF ORANGETOWN

**Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. 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 shall comply with all pertinent and applicable conditions of all previous Board Decisions: Zoning Board of Appeals #19-107, Variances approved, dated December 4, 2019 and PB#19-43, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated July 17, 2019.
5. A complete site development plan signed and sealed by a NYS Professional Engineer and Land Surveyor must be submitted addressing all comments.
6. Easement must be indicated on the Site Development Plan for new sewer line.
7. 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 by the Chief Clerk to the Board.
8. The proposed sanitary house connection shall be redesigned to be 4 inch in diameter on the private property and 6 inch on the right of way for Old Mountain Road.
9. Cleanouts, with invert elevations, shall be depicted at all changes in direction for the sanitary house connection at the exist of the house, as well as just inside the property line along Old Mountain Road.

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**PB#20-12: Smith-Kriz Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit #48720

**Town of Orangetown Planning Board Decision
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10. The applicant shall provide written documentation to the Planning Board that a permanent easement has been acquired for the proposed sanitary house connection.
11. The drainage calculations supplied are under review by DEME.
12. Soil borings, perc tests and determination of groundwater elevations shall be performed at the proposed drywell locations. These tests shall be performed **PRIOR** to this proposal receiving **Final Approval** to ensure the adequacy of the proposed design. The tests shall be performed in the spring when the ground water table is typically at its highest.
13. As stated above, the proposed sanitary house connection shall be 4 inch in diameter inside the applicant's property **AND** the neighboring property, in which it is proposing to run through. The sanitary house connection shall **ONLY** be 6 inch in diameter in the Right of Way for Old Mountain Road. Currently, drawing C-100.009 shows the sanitary house connection as 4 inch in the applicant's property and 6 inch in the neighboring property, this is incorrect. Also, drawing C-301.00 shows the sanitary house connection as 4 inch in the applicant's property and as 5 inch **AND** 6 inch (at the same time) in the neighboring property, again, this is incorrect and shall be fixed as noted above.
14. As stated above, invert elevations for all cleanouts shall be labeled on drawing C-100.00 and drawing C-301.00. It is not acceptable to just label them on the profile and reference the profile in the cleanout call out notes.
15. Additional cleanouts (at least 2-spaced every 80 feet) **shall** be shown along the proposed sanitary house connection that runs straight though the neighboring property to Old Mountain Road.
16. Length dimensions shall be provided along the x-axis of the sanitary profile.

17. Drainage Review Recommendation – Brooker Engineering

The Planning Board's Drainage Consultant, Brooker Engineering held that the information provided demonstrates that potential significant adverse impacts with respect to drainage can be mitigated and therefore recommends that the Smith-Kriz Site Plan be approved for drainage subject to the following Project Comments.

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**Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

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Continuation of Condition #17...

This is the second drainage review report for this project. The site is located at 76 Old Mountain Road east of South Boulevard. Access to the lot is via a driveway fronting on Old Mountain Road. Land slopes downhill in an easterly direction from front to back. There is an existing single family residence on the site; the improvements include an addition in the rear of the house and new patios. The new impervious areas are largely over an existing patio and impervious areas. Two drywells are proposed downhill of the structure to collect stormwater runoff from the addition and new patio. Additional disturbance is proposed along the backyard consisting of regrading and filling.

Project Comments

1. The Site Plans shall be shown to scale.
2. As per the July 19, 2019 report, sufficient topographic information to the west (uphill) of the site shall be provided in order to evaluate the off-site stormwater runoff and drainage through the property.
3. As per the July 19, 2019 report, drainage calculations shall be provided that demonstrates that the drywells have adequate capacity to provide stormwater mitigation. The increase in impervious area from existing to proposed conditions shall be clearly shown in the drainage report.
4. As per the July 19, 2019 report, the existing wood line in the backyard shall be shown on the site plan. The limits of clearing of the wood line shall be provided.
5. As per the July 19, 2019 report, the drainage calculations shall include subareas that are diverted to the drywells and subareas that bypass the drywells. Increases in stormwater runoff from change in ground cover from woods/brush to grass shall be included in the drainage calculations.
6. As per the July 19, 2019 report, additional detailed grading in the proposed patio area shall be provided to demonstrate that the patio runoff will be directed to the proposed catch basins. Slopes in the patios shall be provided to demonstrate positive drainage away from the house.
7. As per the July 19, 2019 report, the site plans shall clarify if driveway in the front of the house is being expanded. The grading shall provide more detail to show what land area is being directed to the catch basin in the northeast corner of the driveway.

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**Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

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Continuation of Condition #17...

8. As per the July 19, 2019 report, soil percolation tests shall be performed and the depth to groundwater determined.
9. Access to the drywells shall be provided via a field inlet at proposed grade. The monitoring port provided will only allow observation with respect to ground water and not allow access for maintenance.
10. Drainage calculations shall use the effective depth of the drywell available for stormwater runoff storage measured from the invert of the drywell to the invert of the overflow pipe.

18. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:

- As per their letter dated January 23, 2020, the applicant must comply with the comments made by the County of Rockland Department of Highways in their letter of October 29, 2019.
- An updated review must be completed by the Rockland County Department of Health. In addition, the applicant must comply with the comments made by them in their letter of December 2, 2019.
- A review must be completed by the New York State Department of Environmental Conservation and any required permits obtained.
- A note shall be placed on the bulk table stating that variances for floor area ration, side yard and unroofed steps or terrace greater than 16 SF and projecting more than four feet from the exterior wall of a building were granted on December 4, 2019 at ZBA #19-107.
- 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.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- The notes included on sheet T-2-1 of the site plan shall contain the district details.

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**PB#19-43: Smith-Kriz Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #48720

**Town of Orangetown Planning Board Decision
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19. The Rockland County Health Department (RCDOH) reviewed the information provided and offered the following comments:
- The architectural plans show the addition of a guest room in the basement, which increases the number of bedrooms. Therefore, the existing septic system will need modifications. Engineered plans will need to be submitted to the Rockland County Department of Health for review and approval prior to a building permit being issued.
 - An application must be made to them for review of the stormwater system to ensure compliance with the County Mosquito Code.
20. The Rockland County Highway Department reviewed the information provided and offered the following comments:
- A drainage report shall be prepared and submitted for the drainage system in the property. The report shall be provided to demonstrate that the existing/proposed drainage system is adequately designed to produce no net increase in the peak rate of discharge from the site at all design points.
 - A road work permit shall be obtained from the Rockland County Highway Department prior to starting any construction activities in the site, if the site plan is approved by the Town.
21. 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.
22. 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.
23. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.

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**Critical Environmental Area
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

Town of Orangetown Planning Board Decision

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- 24.** 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).
- 25.** Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
- 26.** 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
- 27.** The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.
- 28.** All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.
- 29.** The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans prior to signing the final plans.
- 30.** All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.

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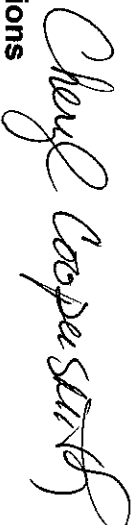
The foregoing Resolution was made and moved by Bruce Bond and seconded by Stephen Sweeney and carried as follows: Thomas Warren – Chairman, absent; William Young, Vice-Chairman, aye; Michael McCrory, aye; Michael Mandel, aye; Andrew Andrews, aye; Stephen Sweeney, aye; Bruce Bond, aye and Robert Dell, aye.

The Clerk to the Board 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: February 26, 2020

Cheryl Coopersmith

Chief Clerk Boards and Commissions



OFFICE

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FOR INFORMATION

PB #19-20: 1050 Route 9W Site Plan

Permit #48371

Critical Environmental Area

**Final Site Plan Approval Subject to Conditions
Neg. Dec.**

Town of Orangetown Planning Board Decision

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TO: Brian Joachim, 118 Route 59, and Nyack, New York
FROM: Orangetown Planning Board

RE: 1050 Route 9W Site Plan - Critical Environmental Area:

The application of Cornielle Real Estate, owner, for a Preliminary/ Preliminary/ Final Site Plan Review at a site to be known as “**1050 Route 9W 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 1050 Route 9W, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 28; in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **March 27 & November 13, 2019, and February 26, 2020**, at which time the Board made the following determinations:

March 27, 2019

Brian Joachim and Paula Cornielle appeared and testified.

The Board received the following communications:

1. A Project Review Report dated March 20, 2019.
2. An 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 22, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 21, 2019.
4. A letter from Broker Engineering, signed by Kenneth DeGennaro, P.E., dated March 19, 2019.
5. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated March 27, 2019.
6. Letters from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated March 7, 2019 and Joseph Arena, dated March 11, 2018.
7. Letters from Rockland County Department of Health, signed by Elizabeth Mello, P.E., dated March 12, 2019.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated March 6, 2019.
9. A Project Narrative prepared by Jenny Zuniga-Casal Architecture LLC, dated February, 2019.

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**Critical Environmental Area
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

**Town of Orangetown Planning Board Decision
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10. Site Plan entitled Proposed Dwelling for 1050 Route 9W, prepared by Anthony Celentano, P.E., dated March 20, 2017, last revision date of February 19, 2019.
11. Architectural Plans entitled New Construction Corrielli Real Estate Enterprises, 1050 Route 9W, prepared by Jenny Zuniga-Casal, R.A., dated October 24, 2018, last revision date of November 7, 2018.
12. A Short Environmental Assessment Form signed by Brian Joachim, dated December 24, 2018.
13. Building Permit Referral to the Planning Board dated November 28, 2018 prepared by Rick Oliver, Building Inspector.

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

Public Comment:

Peter Roy, 160 Route 9W, Upper Grandview, raised concerns regarding the impact of the proposed development on drainage in the neighborhood to the north. At this time, there is a water problem especially in the winter.

The applicant requested a **CONTINUATION**.

November 13, 2019

Paola Corniello and Anthony Celantano appeared and testified.

The Board received the following communications:

1. Project Review Reports dated October 16 and November 8, 2019.
2. An 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 October 18, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 18, 2019.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated October 23, 2019.
5. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated October 7, 2019.
6. A letter from Rockland County Department of Health, signed by Elizabeth Mello, P.E., dated October 21, 2019.
7. Site Plan entitled Proposed Dwelling for 1050 Route 9W, prepared by Anthony Celentano, P.E., dated March 20, 2017, last revision date of May 11, 2019.

301140 S.MR373 NM01

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8. Architectural Plans entitled New Construction Cornielli Real Estate Enterprises, 1050 Route 9W, prepared by Jenny Zuniga-Casal, R.A., dated October 24, 2018, last revision date of April 10, 2019.
9. A letter from Paola Cornielle, Cornielle Real Estate, dated October 29, 2019.

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

The applicant requested a **CONTINUATION**.

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Jenny Zuniga-Casal and Anthony Celantano appeared and testified.

The Board received the following communications:

1. Project Review Reports dated January 22 and February 21, 2020.
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 January 24 & February 24, 2020.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 24 & February 24, 2020.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated February 26, 2020.
5. Plans entitled Proposed Dwelling for 1050 Route 9W, prepared by Anthony Celantano, P.E., dated March 20, 2017, last revision date of February 7, 2020, with an attachment of a memo dated February 7, 2020:
 - Sheet 1 of 6: Site Plan
 - Sheet 2 of 6: Proposed Erosion Control Plan
 - Sheet 3 of 6: Proposed Landscape & Lighting Plan
 - Sheet 4 of 6: Existing Plan
 - Sheet 5 of 6: Proposed Profile Plan
6. Architectural Plans entitled New Construction Cornielli Real Estate Enterprises, 1050 Route 9W, prepared by Jenny Zuniga-Casal, R.A., dated October 24, 2018, last revision date of January 29, 2020.

The Board reviewed the plans. The hearing was 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 Michael Mandel and second by Stephen Sweeney and carried as follows: Thomas Warren - Chairman, absent; William Young- Vice Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye; Bruce Bond, aye; Robert Dell, aye; Stephen Sweeney, aye, and Michael McCrory, aye.

301150 S.MR373 MM01

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The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Bruce Bond and second by Stephen Sweeney and carried as follows: Thomas Warren - Chairman, absent; William Young- Vice Chairman, aye; Michael Mandel, aye; Bruce Bond, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, aye, and Michael McCroy, aye, the Board declared itself Lead Agency.

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, 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 Highway, Rockland County Health Department, Rockland County Sewer District #1 and New York State Department of Transportation and having reviewed the drawings presented by the applicant's professional consultant; Anthony Celentano, P.E., a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;

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

On motion by Bruce Bond and second by Michael Mandel and carried as follows:
Thomas Warren - Chairman, absent; William Young- Vice Chairman, aye;
Michael Mandel, aye; Michael McCrory, aye; Robert Dell, aye; Bruce Bond, aye;
Stephen Sweeney, aye, and Andrew Andrews, 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 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 application shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
5. The drainage calculations provided are under review by DEME. The cover letter to the drainage calculations states that "Percolation test were performed and they failed, therefore..." The location of these test(s) shall be shown on the plan. Copies of these tests shall be submitted to the Planning Board and DEME. If the perc tests failed, how will that impact the proposed 18 inch perforated HDPE? Also, an analysis of the capacity of the NYS's existing drainage system shall be submitted. All of this information shall be added to a revised set of drainage calculations.
6. Determination of groundwater elevation, in the location of the proposed subsurface detention system, shall be administered at the proposed drywell location. This test shall be performed **PRIOR** to this proposal receiving **Final Approval** to ensure the adequacy of the proposed design. This information shall be added to the drainage calculations. The test shall be performed in the spring when the ground water table is typically at its highest. The applicant's engineer shall provide a copy of the groundwater determination test results to the Planning Board, Building Department and DEME for review and approval.
7. Specifications for the proposed subsurface detention system shall be added to the drainage calculations.
8. Profiles for the proposed catch basin and drain line in Route 9W shall be added to the plans.
9. The Soil erosion and sediment control symbols shall be added to the required legend. Also, the proposed stabilized construction entrance shall conform to NYSDEC standards symbols.

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10. A post construction stormwater maintenance agreement (PC-SWMA) provided for the proposed stormwater system, does not conform to the Town Standards. The applicant/ applicant's attorney shall obtain the standard boiler plate from the Town Attorney's Office. Also, no checklist/ inspection forms were attached to the agreement. The applicant's engineer shall prepare/ provide checklists/ inspection forms for all of the drainage facilities proposed (subsurface detention system, piping, trench drain, catch basins, etc.) The revised PC-SWMA shall be submitted for review and approval by DEME and the Town Attorney's office. Once approved, the maintenance plan shall be made part of the site plan approval and attached as an amendment or schedule to the deed for this lot.

11. The applicant is reminded that a Permit from the New York State Department of Transportation will be required for both the installation of the sanitary house connection and the installation of a new catch basin along Route 9W. The drainage design and calculations shall be submitted to the NYSDOT for their review and approval PRIOR to the signing of the plan. Copies of all correspondence with the NYSDOT shall be submitted to the Planning Board and DEME.

12. Drainage Review Recommendation – Brooker Engineering

The application has provided additional information that demonstrates the stormwater detention system can mitigate potential significant impacts with respect to stormwater runoff. The Drainage Consultant recommend that the 1050 Route 9W Site Plan be approved for drainage subject to the following comments.

Project Description

This is the fourth drainage review report for this project. The site is located on the west side of Route 9W, north of Treeline Terrace. There are foundation remains of a pervious dwelling on the site. There is an existing driveway entrance for the site located north of the property that is to be removed and a new driveway entrance is proposed along the southern corner of the lot.

Increases in impervious area and stormwater runoff have quantified for this submission. An underground detention area is shown schematically along the northeast corner of the property but no details have been provided.

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Continuation of Condition #12...

1. As per the November 13, 2019 report, provide a plan view of the detention system layout. Show how each 48-inch diameter pipe will be connected to catch basins.
 2. As per the November 13, 2019 report, provide a drainage subbasin map that shows the area to be diverted to the detention system. Provide a breakdown of the proposed impervious surfaces on the subbasin map.
 3. As per the November 13, 2019 report, no infiltration is proposed and the low flow opening of 6-inches located at the invert of the system will allow lower frequency storms to flow through the system with little routing. Provide a small diameter outlet at the invert of the system to provide some routing of the lower frequency storms.
 4. As per the November 13, 2019 report, provide back-up calculations to verify how the available storage is calculated on page 7 of the Pond report.
 5. As per the November 13, 2019 report, the drainage report shall be compiled in one document with a table of contents and not a series of stapled computer output files.
 6. As per the November 13, 2019 report, Verify the use of the infiltration pipe will be effective given the map note of "percolation failure no good use enclosed system".
 7. As per the November 13, 2019 report, the outlet structure detail shows a 6-inch low flow opening but does not show the additional openings included in the routing calculations. Manual access to the one feet wide section on the outlet structure shall be demonstrated. The rim elevation shall be added to the outlet structure detail.
 8. The silt fence located along the uphill portion of the limit of disturbance (west side) shall be designed to ensure no stormwater runoff is directed to the neighboring properties.
 9. A drawing list shall be added to Drawing 1. Sheets 5 and 6 was not included in the Site Plan set that was submitted.
13. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
- A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
 - An updated review must be completed by the Rockland County Department of Health. In addition, the comments in their March 12, 2019 letter must be met.

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**Town of Orangetown Planning Board Decision
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Continuation of Condition#13...

- Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition 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.
 - Retaining walls that are over four (4) feet in vertical height 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.
 - The Village of Grand View-on-Hudson is one of the reasons the proposal was referred to this department for review. The municipal boundary is approximately 380 feet east of the property line of the site. As required under Section 239n of the State General Municipal Law, the Village of Grand View-on-Hudson must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Town of Orangetown.
 - The Site Plan must include the map notes which include district information. The applicant's engineer has been reminded of the importance of including such details.
 - The bulk table shall include a map note denoting that the lot width is a pre-existing, non-conforming condition, and therefore no variance is required.
14. The Rockland County Department of Health reviewed the information and offered the following comments:
- Application is to be made to the Rockland County Department of Health for review of the system for compliance with the County Mosquito Code.
 - Application is to be made to RCDOH for decommissioning of the well.
15. A Rockland County Highway Department (RCHD) reviewed the information submitted and offered the following comments:
- The proposed action would have a de-minimis impact upon the County highway system. Therefore, the department poses no objection to the local determination unless major changes are proposed to the site plan in the future.

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16. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
- Town of Orangetown Zoning Board of Appeals
 - Rockland County Department of Highway
 - Rockland County Health Department
 - Rockland County Sewer District #1
 - New York State Department of Transportation

17. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans and Board Decisions prior to signing the final plans.

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

19. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:

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Continuation of Condition #20...

- 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.

21. 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.
22. 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.
23. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
24. 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).

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

PB #19-20: 1050 Route 9W Site Plan

Permit #48371

Critical Environmental Area

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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: 1050 Route 9W Site - Critical Environmental Area
Final Site Plan Approval Subject to Conditions/ Neg. Dec.

SEQR STATUS: Type I Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review in the Critical Environmental Area

LOCATION: The site is located at 1050 Route 9W, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 28; in the R-22 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

Office of Building, Zoning and Planning

Administration and Enforcement

Town of Orangetown

20 Greenbush Road, Orangeburg, NY 10962

Telephone Number: 845-359-5100

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

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