

Town of Orangetown
Planning Board
Meeting of Wednesday, June 10, 2020

Members Present: Thomas Warren, Chairman
William Young, Vice-Chairman
Michael McCrory
Michael Mandel
Andrew Andrews
Bruce Bond
Robert Dell

Member Absent: Stephen Sweeney

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

Thomas Warren, Chairman called the meeting to order at 7:00 p.m.
Mr. Warren read the agenda. Hearings as listed on this meeting's agenda which are made a part of these minutes were held as noted below:

| | |
|--|-------------------------|
| 89 Western Highway Playground Site Plan | PB #20-25 |
| Noble 9 th German Masonic Park | |
| Final Site Plan Review | Final Site Plan |
| 89 Western Highway, Tappan | Approval subject |
| 77.06/3/13; R-15 zoning district | to Conditions |

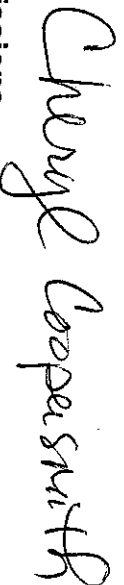
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| Tappan Plaza Subdivision Plan | PB #20-26 |
| Prepreliminary/ Preliminary/ | Preliminary Subdivision |
| Final Subdivision Plan and SEQRA Review | Plan Approval Subject |
| 3-58 Route 303, Tappan | to Conditions |
| 77.15/1/33-37 & 41 | Neg. Dec. |
| CS, LIO and Route 303 Overlay zoning district | |

| | |
|---------------------------------------|------------------------------|
| Tappan Plaza Site Plan | PB #20-27 |
| Prepreliminary/ Preliminary Site Plan | Preliminary Site |
| and SEQRA Review | Plan Approval Subject |
| 3-58 Route 303, Tappan | to Conditions |
| 77.15/1/33-37 & 41; CS, LIO | Neg. Dec. |
| and Route 303 Overlay zoning district | |

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 Michael Mandel and agreed to by all in attendance. The meeting was adjourned at 9:45 p.m. **The next Planning Board meeting is scheduled for June 15, 2020.**

DATED: June 10, 2020

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



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PB #20-25: 86 Western Highway

Permit #49349

Playground Site Plan

Final Site Plan Approval Subject to Conditions

Town of Orangetown Planning Board Decision

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TO: Romel Vintimilla, 336 Jayne Boulevard, Port Jefferson Station, New York 11776
FROM: Orangetown Planning Board

RE: 89 Western Highway Playground Site Plan: The application of Rohel Vintimilla, applicant, for The Noble 9th German Masonic Park, owner, for Final Site Plan Review. The site is to be known as “**89 Western Highway Playground Site Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 89 Western Highway, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.06, Block 3, Lot 13; in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **June 10, 2020** at which time the Board made the following determinations:

Romel Vintimilla, Mark Ramparelli, Joe Kemmel, and John Hegener appeared and testified.

The Board received the following communications:

1. 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 June 4, 2020.
2. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 28, 2020.
3. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated June 9, 2020.
4. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated May 13, 2020.
5. A letter from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer II, dated May 13, 2020.
6. A Project Narrative prepared by Romel Vintimilla, Civil Engineer, Construction Management Engineer, Northern Civil and Draft Inc.
7. Vicinity Map prepared by Northern Civil and Draft Inc., dated May 7, 2020.
8. Site and Construction Plans prepared by Northern Civil and Draft Inc., dated September 18, 2019, unless noted and revised as noted:
 - A-1: Existing Playground Site Plan, revised March 25, 2020
 - A-2: Proposed Playground Site Plan, revised March 25, 2020
 - A-3: Proposed Playground Layout Plan
 - A-3.1: Proposed Playground Handicap Spaces
 - A-4: Playground Assemblies, revised March 25, 2020

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Playground Site Plan
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- A-5: Playground Assemblies, revised March 25, 2020
- A-6: Playground Assemblies, revised March 25, 2020
- A-7: Typical Bench Details, revised March 25, 2020
- A-8: Typical Trash Receptacles, revised March 25, 2020
- A-9: Proposed Impervious Areas
- A-9.1: Proposed Impervious Calculations
- A-10: Proposed Concrete Work Layout Plan
- A-10.1: Typical Sections
- A-10.2: Typical Drainage Details
- A-11: Typical Footing Details, revised March 25, 2020
- A-11.1: Typical Footing Details, revised March 25, 2020
- A-12: Enlarged Area of Work, dated February 4, 2020
- A-12.1: Future 4" Chain Link Fence, revised March 25, 2020
- A-12.2: 6' High Chain Link Fence, dated February 4, 2020
- A-12.3: Erosion and Tree Control Fence
- A-300: Playground Elevation Views
- A-301: Playground Elevation Views
- E-1: Proposed Electrical Conduit Work Plan, dated September 10, 2019
revised March 25, 2020
- E-1.1: Typical Details, revised March 25, 2020

9. A copy of PB#20-06, Preliminary Site Plan Approval Subject to Conditions, dated January 29, 2020.

10. Building Permit Referral to the Planning Board dated September 24, 2019 prepared by Rick Oliver, Building Inspector.

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 Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, absent; Bruce Bond, aye; and Michael McCrory, 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.

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**Playground Site Plan
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Town of Orangetown Planning Board Decision

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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 Northern Civil and Draft Inc 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 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 Department of Appeals, Rockland County Sewer District #1, and having reviewed a Plan prepared by Northern Civil and Draft Inc 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;

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Playground Site Plan
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- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's 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 William Young and seconded by Robert Dell and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, absent; Bruce Bond, aye, and Michael McCrory, 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."
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. On drawing A-2 the existing pavement is not shown being extended to the new parking area. Is the intent to extend the existing pavement? This area must be shown and included in the proposed area of disturbance and the proposed impervious area calculations.

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**Playground Site Plan
Final Site Plan Approval Subject to Conditions**

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5. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained and the Final Site Plan is stamped by the Chief Clerk to the Board.
An enlarged plan of the playground shall be provided showing proposed playground equipment with dimensional information and location for fencing.
6. The total area of disturbance shall be listed on the plans – cover drawing through A3, A12.
7. A comparison showing the existing impervious vs. the proposed impervious areas shall be listed in table form on the plan.
8. Soil erosion and sediment control plans and details shall be submitted to DEME for review and approval.
9. Drawings A1, A2 and A12 all seem to show different areas of disturbance (a.o.d.). This shall be corrected. The applicant's engineer is reminded and ALL demolition/ removal and all proposed work make up the entire a.o.d. and that complete a.o.d. needs to be shown and listed/ labeled on the drawings listed in comment #6 above.
10. While drawings A9 and A9.1 list proposed impervious coverage, existing impervious in those same areas is not clearly defined or shown. There is no comparison table of existing vs proposed impervious as requested in comment #7 above. Also, the pathways and areas listed are not clearly listed/ shown/ defined on drawings A1 and A2. This shall all be coordinated and explained clearly.
11. Legends need to be added to the drawings.

12. Drainage Review Recommendation – Brooker Engineering

The proposed action does not exceed the typical thresholds that require mitigation for potential significant adverse impacts with respect to drainage. The Drainage Consultant, Brooker Engineering, therefore recommends that the 89 Western Highway Playground Site Plan be approved for drainage subject to the following comments.

Project Description

This is the second drainage review report for this application; the last review was dated January 28, 2020. The property is the German Masonic Park located along the east side of Western Highway just south of Greenbush Road. The proposed work consists of the removal of an existing playground and replacement with a new playground at about the same location. The proposed playground surface consists of wood fiber over crushed stone and contains approximately 280 square feet of new sidewalks. The proposed land disturbance is located along the east side of the parcel, and stormwater runoff flows east toward the railroad.

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Playground Site Plan
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Project Comments

1. As per the January 28, 2020 report, add proposed contours to Drawing A-2.
2. As per the January 28, 2020 report, label and dimension new sidewalks and impervious areas on Drawing A-2. Provide the total new impervious area. Add the total land disturbance as a map note.
3. As per the January 28, 2020 report, show proposed grading within and adjacent to the playground. Provide a swale along the west (uphill) side of the playground to direct stormwater runoff around the playground. The Drainage Consultant recommends a part plan of this area be provided at a larger scale.
4. As per the January 28, 2020 report, the perimeter of the playground contains a concrete curb that is above existing grade as per the typical detail. Proposed grading should be shown on the Drawing A-2 to reflect the intent of the typical detail.
5. As per the January 28, 2020 report, show the proposed underdrains on Drawing A-10 on the Site Plan on Drawing A-2. ADA parking spaces adjacent to the playground have been added to for this submission. Show the paved drive aisle that will provide vehicular access for these spaces. Show proposed grades in this area that do not exceed ADA slope requirements.

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

- As per its letter of January 27, 2020, should a stormwater management system be required, a review shall be completed by the Rockland County Department of Health in compliance with the Mosquito code.
- The applicant must comply with the comments made by the Rockland County Highway Department in its letter of December 20, 2019.
- 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.
- The Site Plan must contain a vicinity map that has a north arrow and scale.
- A lighting plan shall be provided that show fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

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**Playground Site Plan
Final Site Plan Approval Subject to Conditions**

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14. The Rockland County Department of Health reviewed the information and offered the following comments;
- Should the Board require a stormwater management system to remediate the increase in impervious surface, application is to be made to the Rockland County Department of Health for review of the system for compliance with the County Mosquito Code.
15. A Rockland County Highway Department (RCHD) reviewed the information submitted and offered the following comments:
- A road work permit shall be obtained from the Rockland County Highway Department prior to starting construction work in the site.
16. The applicant shall comply with any pertinent and applicable prior Board Conditions of PB#20-09, Preliminary Site Plan Approval Subject to Conditions, dated January 29, 2020.
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.

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Playground Site Plan
Final Site Plan Approval Subject to Conditions

Town of Orangetown Planning Board Decision
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Continuation of Condition #20...

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:
- 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 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

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**Playground Site Plan
Final Site Plan Approval Subject to Conditions**

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Continuation of Condition #24...

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.

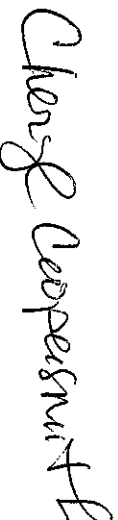
The foregoing Resolution was made and moved by Bruce Bond and second by Michael Mandel and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Michael McCrory, aye; Robert Dell, aye; Stephen Sweeney, absent; Bruce Bond, aye, and Andrew Andrews, aye

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: June 10, 2020

Cheryl Coopersmith

Chief Clerk Boards and Commissions



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41:11 A 81 NR 0702

MA013GNVRO JO NM01

**PB#20-26: Tappan Plaza Subdivision Plan
Preliminary Subdivision Plan Approval Subject
to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
June 10, 2020 – Virtual Meeting
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**TO: Donald Brenner, 4 Independence Avenue, Tappan, New York
FROM: Orangetown Planning Board**

RE: Tappan Plaza Subdivision Plan: The application of Lidl US, LLC, applicant, for Benbrooke, LLC, owner, for a Prepreliminary/ Preliminary Subdivision Plan Review. The site is to be known as “**Tappan Plaza 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. The Planning Board is 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 3-58 Route 303, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.15, Block 1, Lots 33, 34, 35, 36, 37 & 4; 1 in the CS & LIO zoning district and the Route 303 Overlay Zone.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held **Wednesday, June 10, 2020** the Board made the following determinations:

Kristen Deluca, Ethan Schukoske, Matt Canole, Greg Levine and Donald Brenner appeared and testified.

The Board received the following communications:

1. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R. A., A.I.A., Director, dated June 8 and June 10, 2020.
2. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated April 21, 2020.
3. Letters from Brooker Engineering signed by Kenneth DeGennaro, P.E., dated June 8 & 10, 2020.
4. Letters from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated March 30, 2020 and Michael Kezner dated March 16, 2020.
5. Letters and a notice from the Rockland County Department of Highways, signed by Dyan Rajasingham, Engineer II, dated May 4, 2020 and Joseph Arena, dated May 13, 2020.
6. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated April 24, 2020.
7. A letter from the Rockland County Sewer District No. 1, signed by Joseph LaFindra, Engineer I, dated April 6, 2020.

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**PB#20-26: Tappan Plaza Subdivision Plan
Preliminary Subdivision Plan Approval Subject
to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
June 10, 2020 – Virtual Meeting
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8. A Short Environmental Assessment Form, signed by Kristin DeLuca, Bohler Engineering, dated February 12, 2020.
9. A letter from Bohler Engineering, signed by Kristin DeLuca, Project Manager, dated February 17, 2020.
10. Subdivision Plans prepared by Bohler Engineering, dated February 17, 2020:
 - C-01: Overall Subdivision Plan
 - C-02: Partial Subdivision Plan Lot #1 (Existing)
 - C-03: Partial Subdivision Plan Lot #2 (Existing)
 - C-04: Partial Subdivision Plan Lot #3
 - C-05: Partial Subdivision Plan Lot #4 (Existing)
 - C-06: Partial Subdivision Plan Lot #5
 - C-07: Partial Subdivision Plan Lot #6
12. Survey Plan prepared by JMC, dated November 21, 2019 ALTA-1 and ALTA-2

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 seconded by Andrew Andrews and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Michael Mandel, aye; Robert Dell, aye; Bruce Bond, aye and Stephen Sweeney, absent.

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (al) 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 William Young and seconded by Michael Mandel and carried as follows: Thomas Warren, Chairman, aye William Young, Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Michael Mandel, aye; Robert Dell, aye; Bruce Bond, aye and Stephen Sweeney, absent, 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.

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MMQ13GNVRO FO MMQ1

**PB#20-26: Tappan Plaza Subdivision Plan
Preliminary Subdivision Plan Approval Subject
to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Bohler Engineering and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The 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: Rockland County Sewer District No. 1, Rockland County Drainage Agency No. 1, Rockland County Department of Health, Rockland County Department of Planning, and having reviewed proposed Site Plan by prepared by Bohler Engineering a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

On motion by Michael Mandel and seconded by Bruce Bond and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Michael Mandel, aye; Robert Dell, aye; Bruce Bond, aye and Stephen Sweeney, absent, 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 **Preliminary Site Plan Approval Subject to the Following Conditions:**

3E1F1FO S.KR3713 NM01
41:11 A 8 1 NPT 0202
NM013GNVRD0 FO NM01

**PB#20-26: Tappan Plaza Subdivision Plan
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**Town of Orangetown Planning Board Decision
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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 Town of Orangetown Office of Building, Zoning, Planning Administration and Enforcement reviewed the department records and found the following:
 - Certificate of Occupancy for retail stores, including retail liquor store dates back to 1969.
 - Unable to locate C of O's for the supermarket section of the main retail structure (Section to be demolished). It is the Director's understanding that for a long time, this section of the building was a Grand Union Supermarket up until sometime in the 1970's when it closed down. During the same time, an A&P Supermarket was located in what is now Retro Fitness.
 - Another Supermarket, Hangti, Inc. occupied the old Grand Union beginning in December of 1989 until about 2008 when application was made to demolish some of the refrigeration equipment and portion of the façade.
 - Planning Board Approval was granted in January 2008 for the seafood restaurant, Duke Ocean Grille.
 - Planning Board approval was granted in December 2010 for Retro Fitness.
 - Various retail, service and small restaurants have occupied the smaller units in the balance of the main retail structure.
 - Wendy's has been in their location since December of 1992.

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**PB#20-26: Tappan Plaza Subdivision Plan
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**Town of Orangetown Planning Board Decision
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5. The site shall increase the landscaping on the properties to the north of Lot #2 as well as enhance the existing vegetation on Birch Tree Road.
6. The applicant shall provide an existing conditions survey plan showing only the existing lot lines and site conditions.
7. The Zoning districts shall be labeled and zoning boundaries shall be clearly delineated.
8. The site data chart on C0-1 shall include the section/block/lot and ownership of the lots, the zoning designations for each lot and the zoning bulk requirements.
9. The LIO zone lot plan diagram is not applicable and should be removed.
10. Vicinity map must not be over 1"=400' per Chapter 21, Article III, Section 21.10(c).
11. All existing and proposed easements and cross-easements must be clearly delineated on the plan.
12. Legal agreements between all lots shall be prepared and submitted for review and approval by the Town Attorney's Office.
13. The floodway and flood zones must be clearly delineated on the plan.
14. The site, landscaping, architectural plans and pylon sign shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
15. An existing conditions plan shall be added to the drawing set showing the site as is and including only the existing (not proposed) lot lines.
16. It may be helpful to identify where all the easements/ dedications enumerated in comments 3-5 through 3-19 (on drawings ALTA-1) are located on the "existing conditions" requested in condition #15, above.
17. A proposed easement drawing shall be added to the plans showing all proposed cross easements, including but not limited to parking, storm sewer, sanitary sewer Right of Way/ ingress/ egress, etc.

CEJFFO S.KRSTJ NM01

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**PB#20-26: Tappan Plaza Subdivision Plan
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18. Legal agreements between all the lots shall be prepared for sanitary and storms sewer flow “transport” and maintenance between the proposed lots. These agreements shall include, but not limited to, a breakdown of responsibility, ownership, emergency contact information, etc.
19. A note shall be added to the ALTA/ NSPS Land Title Survey and Overall Subdivision Plan (C-01) including the source benchmark for the referenced datum, including the BM elevation.
20. All of the Flood Zone (Zones X, AE, etc.) that are shown on ALTA-1 (for this subdivision application) shall be shown on drawings C-02 through C-04, C-06 through C-15, and C-19 through C-21. Also, these zones and their definitions and specified elevations (if available) shall be added to the legend for each drawing.
21. The existing sanitary building connection shall be shown for every building/ house included in the Subdivision Plan. This shall include the ALTA/ NSPA Land Title Survey Plan and drawings C-02 through C-07.
22. The proposed ownership for each lot shall be placed in a table on drawing C-01 and listed on drawings C-02 through C-07.
23. A note shall be added to the plan stating that the Town of Orangetown Sewer Inspector shall be notified at least 48 hours prior to any and all sewer work being performed in connection with this subdivision.
24. Iron pins shall be drawn and labeled at each property corner.
25. The datum for the contours shall be given. Also, a note shall be added to the plans indicating the source benchmark for the referenced datum, including the BM elevation.
26. **Drainage Review Recommendation - Brooker Engineering**
Drainage Review Recommendation:
The proposed application has provided sufficient drainage information that demonstrates that potential significant adverse impacts with respect to drainage can be mitigated. The Drainage Consultant, Brooker Engineering, therefore recommends that the Tappan Plaza Site Plan and Subdivision be approved for drainage at this time.

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**PB#20-26: Tappan Plaza Subdivision Plan
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**Town of Orangetown Planning Board Decision
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Continuation of Condition #26...

This is the second drainage review report for this application. The last review was dated June 8, 2020. The site is located on the east side of Route 303, just north of the corporate limits with the Borough of Northvale in the State of New Jersey. The parcel is fully developed with a commercial building located along the east side of the lot and parking in front of the building along the west side of the lot. Storm drainage flows in a southerly direction to a piped storm system that discharges to the Sparkill Creek. Portions of stormwater runoff along the west side of the property flow to the drainage system in Route 303. The Sparkill Creek floodplain is a FEMA mapped stream on the site and the building has a history of flooding.

The northern portion of the building (former BBQ Bon Fahyr Buffet restaurant) is proposed to be removed and a new detached commercial building is proposed along the north side of the property. The parking lot is being reconfigured and grass islands are being added. A new driveway is proposed along the northeast corner of the property.

The existing drainage pattern is being maintained. The majority of the site discharges to the Sparkill Creek via the existing stormwater outfall, which will remain undisturbed.

Review of Additional Information Received:

The additional information received demonstrates that there is a net reduction in impervious surface of 5,728 Square feet based on the removal of pavement and addition of landscaped islands in the existing parking lot. This compensates for the increased pavement at the new access driveway at the northeast corner of the site. The applicant is proposing water quality treatment of portions of the disturbed area in the form of a Contech Cascade Separator. The applicant has demonstrated that the finished floor elevation of 34.1 meets the minimum one foot of freeboard over the base flood elevation of 33.0

Project Comments:

1. The Sparkill Creek 100-year floodplain and floodway shall be shown on the Site Plan. The floodplain shall be shown using the published elevations and delineated as per the site topography.
2. An elevation certificate shall be provided for the proposed building.
3. Historical observation of flooding on the site has shown floodplain elevations slightly higher than the 100- year floodplain elevations listed in the FIRM. The Drainage Consultant recommends a higher freeboard be utilized for this project.

OFFICE
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TOWN OF ORANGETOWN

**PB#20-26: Tappan Plaza Subdivision Plan
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**Town of Orangetown Planning Board Decision
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Continuation of Condition #26...

4. Permits are required from the Local Floodplain Administrator and Rockland County Drainage Agency.
 6. Drainage area maps showing existing and proposed impervious areas shall be provided.
 7. Stormwater quality mitigation is proposed at the uphill portion of the disturbed area. Orangetown DEME shall determine if stormwater quality mitigation is required for the disturbance at the downhill parking lot disturbed area.
 8. The stormwater outfall on the south side of the parking lot that discharges to the Sparkill Creek shall be shown on the Grading and Drainage Plan and added to the storm profile.
 9. Capacity of the storm drainage pipes on the site shall be provided.
 10. Additional detail shall be provided showing the drainage flow pattern along the east side of the parking lot, adjacent to the wetlands. It is not clear if stormwater runoff flows directly to the wetlands at low points, or is conveyed along the length of the parking lot to the catch basin along the south side of the parking lot with the top elevation of 28.69.
 11. Add drainage ridge lines in the parking lot west of the building to remain, similar to those shown on the northern parking lot around the new building.
 12. Provide details for the stormwater pump system to be used to convey stormwater runoff from the depression at the loading area at the southeast corner of the new building. It is possible floodwaters from the Sparkill Creek will surcharge this system.
 13. The Drainage Consultant recommends adding drainage inlets along the north and south side of the new island at the southwest corner of the site.
- 27. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:**
- 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.
 - A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and any required permits obtained.
 - A review must be completed by the County of Drainage Agency, and any required permits obtained.
 - A review must be completed by the County of Rockland Department of Health, any comments or concerns addressed, and any required permits obtained.
 - If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.

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Continuation of Condition #27...

- The existing and proposed lot lines must be made clearer on the subdivision plats. For example, the new Lot 6 does not illustrate the existing tax parcel boundary.
- The proposed plans shall comply with the Route 303 Overlay Zone, to the extent possible.
- The Rockland County Department of Planning requests the opportunity to review the variances that are needed to implement the proposed subdivision, as required by NYS General Municipal Law, Section 239-m(3)(a)(v).

28. Based upon the plans and information received, Rockland County Highway Department requested the following: As the proposed subdivision is in the vicinity of Sparkill Creek that is regulated by the Rockland County Drainage Agency, a review shall be required by the Rockland County Drainage Agency.

29. The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.

30. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is within the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is required for development of this site. Please have the applicant submit an application to the RCDA immediately. Copies of the permit application form and Chapter 846; Rockland County Stream Control Act are being mailed to the property owner/ applicant with a copy of this letter and are also available at the County Website, within Highway Department, Drainage Division.

Please note that the Rockland County Stream Control Act, Chapter 846, requires all subdivision/lot line changes maps be signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept same for filing. Please have the applicant/ owner file an application for Subdivision Plat Review and County Planning Certification Information forms with supporting documentation to the RCDA. These forms are available online at the Rockland County website within Highway Department, Drainage Division.

32. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:

- Rockland County Sewer District No. 1
- Rockland County Department of Planning
- Rockland County Highway Department
- Rockland County Drainage Agency

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**PB#20-26: Tappan Plaza Subdivision Plan
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33. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plans and Board Decisions prior to signing the final plans.
34. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.
35. **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:
 - 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 $\frac{3}{4}$ inch of plywood or boards, or equal over the area to be protected.The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.
36. 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.

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**PB#20-26: Tappan Plaza Subdivision Plan
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**Town of Orangetown Planning Board Decision
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37. 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.
38. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
39. 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).
40. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
41. 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

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**PB#20-26: Tappan Plaza Subdivision Plan
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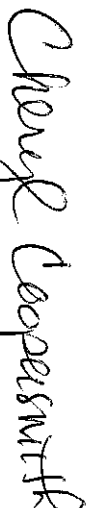
**Town of Orangetown Planning Board Decision
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42. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

43. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Subdivision Plan Approval pursuant to Town Code §21 and §6A.

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

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: June 10, 2020
Cheryl Coopersmith, Chief Clerk Boards and Commissions
Town of Orangetown Planning Board
attachment**

CLERK'S OFFICE

JUN 18 11:51 AM '20

TOWN OF ORANGETOWN

**NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

**PB#20-26: Tappan Plaza Subdivision Plan
Preliminary Subdivision Plan Approval Subject
to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
June 10, 2020 – Virtual Meeting**

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: Tappan Plaza Subdivision Plan
Preliminary Subdivision Plan Approval Subject
to Conditions/ Neg. Dec.**

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

DESCRIPTION OF ACTION: Subdivision Plan Review

LOCATION: The site is located at 3-58 Route 303, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.15, Block 1, Lots 33, 34, 35, 36, 37 & 4;1 in the CS & LIO zoning district and the Route 303 Overlay Zone.

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

TOWN OF ORANGETOWN
TOWN CLERK'S OFFICE
2020 JUN 18 11:17 AM
APPLICANT

Preliminary Site Plan Approval Subject
to Conditions/ Neg. Dec.

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

RE: Tappan Plaza Site Plan: The application of Lidl US, LLC, applicant, for Benbrooke, LLC, owner, for a Prepreliminary/ Preliminary Site Plan Review. The site is to be known as “**Tappan Plaza Site Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The Planning Board is 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 3-58 Route 303, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.15, Block 1, Lots 33, 34, 35, 36, 37 & 4;1 in the CS & LIO zoning district and the Route 303 Overlay Zone.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held **Wednesday, June 10, 2020** the Board made the following determinations:

Kristen Deluca, Ethan Schukoske, Matt Canole, Greg Levine and Donald Brenner appeared and testified.

The Board received the following communications:

1. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R. A., A.I.A., Director, dated June 8 and June 10, 2020.
2. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated April 21, 2020.
3. Letters from Brooker Engineering signed by Kenneth DeGennaro, P.E., dated June 8 & 10, 2020.
4. Letters from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated March 30, 2020 and Michael Kezner dated March 16, 2020.
5. Letters and a notice from the Rockland County Department of Highways, signed by Dyan Rajasingham, Engineer II, dated May 4, 2020 and Joseph Arena, dated May 13, 2020.
6. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated April 24, 2020.
7. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer I, dated April 6, 2020.

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Town of Orangetown Planning Board Decision
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8. A Short Environmental Assessment Form, signed by Kristin DeLuca, Bohler Engineering, dated February 12, 2020.
9. A letter from Bohler Engineering, signed by Kristin DeLuca, Project Manager, dated February 17, 2020.
10. Site Plans prepared by Bohler Engineering, dated December 4, 2019, last revised February 17, 2020:
 - Sheet C-01 of 24: Cover Sheet
 - Sheet C-02 of 24: Demolition Plan
 - Sheet C-03 of 24: Overall Site Plan
 - Sheet C-04 of 24: Partial Site
 - Sheet C-05 of 24: Site Plan Zoning
 - Sheet C-06 of 24: Grading and Drainage Plan
 - Sheet C-07 of 24: Drainage Profile 1
 - Sheet C-08 of 24: Drainage Profile 2
 - Sheet C-09 of 24: Drainage Profile 3
 - Sheet C-10 of 24: Drainage Profile 4
 - Sheet C-11 of 24: Drainage Profile 5
 - Sheet C-12 of 24: Utility Plan
 - Sheet C-13 of 24: Sanitary Profile 1
 - Sheet C-14 of 24: Sanitary Profile 2
 - Sheet C-15 of 24: Sanitary Profile 3
 - Sheet C-16 of 24: Lighting Plan
 - Sheet C-17 of 24: Landscaping Plan
 - Sheet C-18 of 24: Landscaping Plan Notes
 - Sheet C-19 of 24: Sediment & Erosion Control Plan Phase 1
 - Sheet C-20 of 24: Sediment & Erosion Control Plan Phase 2
 - Sheet C-21 of 24: Sediment & Erosion Control Details
 - Sheet C-22 of 24: Detail Sheet 1
 - Sheet C-23 of 24: Detail Sheet 2
 - Sheet C-24 of 24: Detail Sheet 3

11. Survey Plan prepared by JMC, dated November 21, 2019
ALTA-1 and ALTA-2

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 Bruce Bond seconded by Michael Mandel and carried as follows: Thomas Warren, Chairman, aye;
William Young, Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Michael Mandel, aye; Robert Dell, aye; Bruce Bond, aye and
Stephen Sweeney, absent.

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**Town of Orangetown Planning Board Decision
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The proposed action is classified as an “unlisted action” as defined by Section 617.2 (a) 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 seconded by Michael Mandel and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Michael Mandel, aye; Robert Dell, aye; Bruce Bond, aye and Stephen Sweeney, absent, 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, the applicant’s professional representatives, namely Bohler Engineering and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The 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: Rockland County Sewer District No. 1, Rockland County Drainage Agency No. 1, Rockland County Department of Health, Rockland County Planning Department, and having reviewed proposed Site Plan by prepared by Bohler Engineering 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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Town of Orangetown Planning Board Decision
June 10, 2020 – Virtual Meeting
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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 seconded by Michael Mandel and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Michael McCrory, nay; Andrew Andrews, aye; Michael Mandel, aye; Robert Dell, nay; Bruce Bond, aye and Stephen Sweeney, absent, 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 **Preliminary 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.

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TOWN ORANGETOWN

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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 Town of Orangetown Office of Building, Zoning, Planning Administration and Enforcement reviewed the department records and found the following:
 - Certificate of Occupancy for retail stores, including retail liquor store dates back to 1969.
 - Unable to locate C of O's for the supermarket section of the main retail structure (Section to be demolished). It is the Director's understanding that for a long time, this section of the building was a Grand Union Supermarket up until sometime in the 1970's when it closed down. During the same time, an A&P Supermarket was located in what is now Retro Fitness.
 - Another Supermarket, Hangtū, Inc. occupied the old Grand Union beginning in December of 1989 until about 2008 when application was made to demolish some of the refrigeration equipment and portion of the façade.
 - Planning Board Approval was granted in January 2008 for the seafood restaurant, Duke Ocean Grille.
 - Planning Board approval was granted in December 2010 for Retro Fitness.
 - Various retail, service and small restaurants have occupied the smaller units in the balance of the main retail structure.
 - Wendy's has been in their location since December of 1992.
5. The site shall increase the landscaping on the properties to the north of Lot #2 as well as enhance the existing vegetation on Birch Tree Road.
6. The Applicant shall provide an existing conditions survey plan showing only the existing lot lines and site conditions.
7. The Vicinity map must not be over 1"=400'.
8. All existing and proposed easements and cross-easements must be clearly delineated on the plan.
9. Legal agreements between all lots shall be prepared and submitted for review and approval by the Town of Orangetown Town Attorney's Office.
10. The floodway and flood zones must be clearly delineated on the plan.

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11. Dimensions to the existing freestanding sign shall be shown on the plan.
12. Front Yard setback line shall be indicated on the plans.
13. Easement for proposed driveway at the existing residential lot shall be indicated.
14. Dimensions shall be provided at the driveway at the south east corner of the proposed supermarket and also at the stop bar north east of the existing Wendy's building.
15. Per 21A-13 (3), proposed building plans and elevations shall be submitted to confirm height of proposed supermarket and location of all proposed mechanical equipment.
16. Per Article XIII, Route 303 Overlay District applies.
 - a) Are plantings proposed in the 25' noted landscaped area, specifically where the existing ingress/egress is proposed to be eliminated? Per Section 13.10 B (2), "A twenty-five-foot wide vegetated buffer, either containing native vegetation naturally occurring and/or containing shrubs and/or trees a minimum of six feet high, with such shrubs and/or trees as listed under the provisions of § 21.25 of the Land Development Regulations of the Code of the Town of Orangetown at time of planting shall be located along the property line adjacent to the Route 303 right-of-way."
 - b) Not more than 35% of all parking shall be located within the front yard of any lot or parcel, variance required.
 - c) The Board should consider the need for a traffic impact study per Section 13.10 B (13); "A traffic impact study and access management plan shall be required where a proposed use will result in an estimated trip generation in any direction on Route 303 and intersecting county and Town highways in which the increase in traffic in the judgment of the Planning Board would be, or is estimated to be, in excess of 10% over the existing traffic movements for either:

(a) The peak hour; and/or (b) Total daily traffic on Route 303 or any such county or Town highways."

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17. The application shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
18. A separate signage application should be submitted.
19. A full SWPPP is required for this site plan because the Short Environmental Assessment Form: Question 3b states that the project will disturb 3.54 acres AND it drains to the Sparkill Creek which, in this area, is on the NYSDEC 303d list of impaired waters (for pathogens and dissolved oxygen.) The SWPPP must be prepared and sealed by a NYS Licensed Professional Engineer, in compliance with the NYS Stormwater Management Design Manual (NYS SMDA), the NYS SPDES General Permit for Stormwater Discharges from Construction Activities (SPES GP-0-20-001) and NYS Standards and Specifications for Erosion and Sediment Control (Blue Book) and Town of Orangetown Town Code (Chapters 30C & 30D), shall be prepared for the proposed site plan. The SWPPP shall include water quality and water quantity measures, pre and post stormwater runoff calculations utilizing the current rainfall intensity values for this area (example 100 yr. – 9.07 inches/hour.) The SWPPP/ calculations shall design onsite storage to achieve zero net increase in runoff as well as describe by explanation and calculations, how Chapter 6 (Green Infrastructure) and 9 (Redevelopment of the NYS SMDM are satisfied by the stormwater management design.
20. The applicant's engineer applicant is advised/ reminded that because this site contains and drains to a portion of the Sparkill Creek that is on the NYSDEC 303d list of impaired waters (for pathogens and dissolved oxygen), the applicant's engineer must design the proposed work (to be outlined/ discussed/ explained in the SWPPP and shown on the drawings – both during and post construction) in accordance with all of the additional requirements, stipulations and regulations regarding proposed work in a TDML watershed area. Also, the applicant/ applicant's engineer shall contact the NYSDEC to determine/ verify that the proposed work is an "appropriate Use" for the land in this 303D TDML watershed. Copies of all correspondence between the applicant/ applicant's engineer and the NYSDEC shall be provided to DEME.

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21. All of the Flood Zones (Zones X, AE, etc.) that are shown on ALTA-1 (for the Subdivision Application) shall be shown on drawings C-02 to C-04, C-06 to C-15, C-19 to C-21. Also, these zones and their definitions and specified elevations (if available) shall be added to the legend for each drawing.
22. Soil borings, perc tests and determination of groundwater elevation shall be administered at the subsurface detention system location. These tests shall be performed **PRIOR** to this proposal receiving **Final Approval** to ensure the adequacy of the proposed design. This information shall be added to the drainage calculations. The tests shall be performed in the spring when the ground water table is typically at its highest.
23. The location of the 100 yr. flood zone shall be clearly shown on all appropriate drawings.
24. The total area of disturbance (a.o.d.) shall be clearly shown/ defined on drawings C-02 to C-04, C-06 to C-15, C-19 to C-21 as well as being listed on said drawings and spelled out in a table for the SWPPP. As a reminder, the total a.o.d. shall include all demolition, construction, utility installation, additional or removed pavement, curbing installation, new/ reconfigured islands, etc.)
25. The SWPPP shall provide a table showing the breakdown (in acres) for the existing pervious and impervious area in the work zone and the post construction pervious and impervious areas.
26. The location of the 100 foot buffer for the Sparkill Creek (assumedly owned by the Rockland County Drainage Agency area) shall be shown completely through the proposed area of clearing/ regrading/ filling. Currently, thatuffer line is not shown complete through that area.
27. The NYSDEC stream classification for the Sparkill Creek shall be labeled on the plans.
28. All existing (light line) and proposed easements (heavy line), related to this site plan shall be shown on drawings C-02 to C-04, C-06 to C-15, C-19 to C-21.
29. Legal agreements between all the lots related to this site plan shall be prepared for sanitary and storms sewer flow "transport" and maintenance between the proposed lots. These agreements shall include, but not limited to, a breakdown of responsibility, ownership, emergency contact information, etc.

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- 30.** Drawings C-19 and C-20 shall show all drainage infrastructure that is to have SESC protection. Showing one inlet and adding (typ.) is not sufficient.
- 31.** The SESC drawings shall be as a larger scale to more clearly show all of the proposed SESC features (similar to the drainage drawings.)
- 32.** The drawings shall clearly show/ indicate how traffic shall be safely kept away from the project site.
- 33.** Drawing C-12 shows the existing sanitary building connection for the one story building to the south of the site being replaced, but only up to the new property line. This line shall be replaced to the nearest Cleanout/ manhole.
- 34.** The existing sanitary building connections shall be shown for every building related to this site plan on drawings, C-02, C-06 to C-15, C-19 to C-21.
- 35.** The sanitary manhole detail on drawing C-23 shall be revised to reflect a Campbell foundry 1012B with a 30-inch opening. A Manhole frame cover with cover details (including the works sanitary Sewer and date) shall be included on the drawings.
- 36.** A note shall be added to the plan stating that the Town of Orangetown Sewer Inspector shall be notified at least 48 hours prior to any and all sewer work being performed in connection with this subdivision/ site plan.
- 37.** Copies of all correspondence, including any and all approvals, with the NYS Department of Environmental Conservation, U.S. Army Corps of Engineers, the Rockland County Drainage Agency, etc., in connection with this proposed site plan, shall be supplied to the Planning Board and DEME, prior to signing the map.
- 38.** A post construction stormwater maintenance agreement, in accordance with NYSDEC Phase II regulations, for the proposed stormwater systems, shall be submitted to DEME and the Orangetown Town Attorney's Office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with a telephone number, yearly report to be submitted to DEME, etc.

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39. Iron pins shall be drawn and labeled at each property corner.

40. The datum for the contours shall be given. Also, a note shall be added to the plans indicating the source benchmark for the referenced datum, including the BM elevation.

**41. Drainage Review Recommendation - Brooker Engineering
Drainage Review Recommendation:**

The proposed application has provided sufficient drainage information that demonstrates that potential significant adverse impacts with respect to drainage can be mitigated. The Drainage Consultant, Brooker Engineering, therefore recommends that the Tappan Plaza Site Plan and Subdivision be approved for drainage at this time.

This is the second drainage review report for this application. The last review was dated June 8, 2020. The site is located on the east side of Route 303, just north of the corporate limits with the Borough of Northvale in the State of New Jersey. The parcel is fully developed with a commercial building located along the east side of the lot and parking in front of the building along the west side of the lot. Storm drainage flows in a southerly direction to a piped storm system that discharges to the Sparkill Creek. Portions of stormwater runoff along the west side of the property flow to the drainage system in Route 303. The Sparkill Creek floodplain is a FEMA mapped stream on the site and the building has a history of flooding.

The northern portion of the building (former BBQ Bon Fahyr Buffet restaurant) is proposed to be removed and a new detached commercial building is proposed along the north side of the property. The parking lot is being reconfigured and grass islands are being added. A new driveway is proposed along the northeast corner of the property.

The existing drainage pattern is being maintained. The majority of the site discharges to the Sparkill Creek via the existing stormwater outfall, which will remain undisturbed.

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Continuation of Condition #41...

Review of Additional Information Received:

The additional information received demonstrates that there is a net reduction in impervious surface of 5,728 Square feet based on the removal of pavement and addition of landscaped islands in the existing parking lot. This compensates for the increased pavement at the new access driveway at the northeast corner of the site. The applicant is proposing water quality treatment of portions of the disturbed area in the form of a Contech Cascade Separator. The applicant has demonstrated that the finished floor elevation of 34.1 meets the minimum one foot of freeboard over the base flood elevation of 33.0

Project Comments:

1. The Sparkill Creek 100-year floodplain and floodway shall be shown on the Site Plan. The floodplain shall be shown using the published elevations and delineated as per the site topography.
2. An elevation certificate shall be provided for the proposed building.
3. Historical observation of flooding on the site has shown floodplain elevations slightly higher than the 100- year floodplain elevations listed in the FIRRM. The Drainage Consultant recommends a higher freeboard be utilized for this project.
4. Permits are required from the Local Floodplain Administrator and Rockland County Drainage Agency.
6. Drainage area maps showing existing and proposed impervious areas shall be provided.
7. Stormwater quality mitigation is proposed at the uphill portion of the disturbed area. Orangetown DEME shall determine if stormwater quality mitigation is required for the disturbance at the downhill parking lot disturbed area.
8. The stormwater outfall on the south side of the parking lot that discharges to the Sparkill Creek shall be shown on the Grading and Drainage Plan and added to the storm profile.
9. Capacity of the storm drainage pipes on the site shall be provided.
10. Additional detail shall be provided showing the drainage flow pattern along the east side of the parking lot, adjacent to the wetlands. It is not clear if stormwater runoff flows directly to the wetlands at low points, or is conveyed along the length of the parking lot to the catch basin along the south side of the parking lot with the top elevation of 28.69.
11. Add drainage ridge lines in the parking lot west of the building to remain, similar to those shown on the northern parking lot around the new building.
12. Provide details for the stormwater pump system to be used to convey stormwater runoff from the depression at the loading area at the southeast corner of the new building. It is possible floodwaters from the Sparkill Creek will surcharge this system.
13. The Drainage Consultant recommends adding drainage inlets along the north and south side of the new island at the southwest corner of the site.

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42. 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 any required permits obtained.
 - A review must be completed by the County of Drainage Agency, and any required permits obtained.
 - A review must be completed by the County of Rockland Department of Health, any comments or concerns addressed, and any required permits obtained.
 - If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.
 - The floodplain Administrator for the Town of Orangetown shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.
 - Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines 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.
 - All access and parking agreements must be in place prior to construction, especially since the lot that will contain the supermarket has less than the required number of parking spaces.
 - The proposed plans shall comply with the Route 303 Overlay zone to the extent applicable. As proposed, no vegetated buffer areas are provided and the site is not adequately screened from Route 303. Greater than the permitted front yard parking is also proposed. A vegetative buffer of at least 25 feet must be provided along the property line adjacent to the Route 303 right of way. If low evergreen shrubs/ trees a minimum of six feet high are planted, this will also provide adequate screening of the site.
 - Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by customers.
 - All proposed signage must be shown on the site Plan, and conform to all Town Requirements.
 - The lighting plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line, especially along the western side of the site that borders NYS Route 303.

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**Preliminary Site Plan Approval Subject
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Continuation of Condition #42

- The landscaping plan shall provide additional low evergreen landscaping to supplement the area along the State highway to block the headlights of parked cars from shining into such highway. In addition, the landscaping throughout the site is very minimal and should be enhanced.
- The Rockland County Department of Planning requests the opportunity to review the variances that are needed to implement the proposed subdivision, as required by NYS General Municipal Law, Section 239-m(3)(a)(v).

43. Based upon the plans and information received, Rockland County Highway Department requested the following: As the proposed subdivision is in the vicinity of Sparkill Creek that is regulated by the Rockland County Drainage Agency, a review shall be required by the Rockland County Drainage Agency.

44. The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.

45. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is within the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is required for development of this site. Please have the applicant submit an application to the RCDA immediately. Copies of the permit application form and Chapter 846; Rockland County Stream Control Act are being mailed to the property owner/ applicant with a copy of this letter and are also available at the County Website, within Highway Department, Drainage Division.

Please note that the Rockland County Stream Control Act, Chapter 846, requires all subdivision/ lot line changes maps be signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept same for filing. Please have the applicant/ owner file an application for Subdivision Plat Review and County Planning Certification Information forms with supporting documentation to the RCDA. These forms are available online at the Rockland County website within Highway Department, Drainage Division.

46. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:

- Rockland County Sewer District No. 1
- Rockland County Department of Planning
- Rockland County Highway Department
- Rockland County Drainage Agency

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47. 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.
48. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plans.
49. 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:
 - 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.
50. 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.

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51. 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.
52. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
53. 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).
54. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
55. 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
56. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

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Preliminary Site Plan Approval Subject
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57. 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.

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

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: June 10, 2020 
Cheryl Coopersmith, Chief Clerk Boards and Commissions
Town of Orangetown Planning Board
attachment

TOWN CLERK'S OFFICE

91:11 A 81 NOV 0202

TOWN OF ORANGETOWN

**NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

Permit #49664

**PB#20-27: Tappan Plaza Site Plan
Preliminary Site Plan Approval Subject
to Conditions/ Neg. Dec.**

**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: Tappan Plaza Site Plan Preliminary 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

LOCATION: The site is located at 3-58 Route 303, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.15, Block 1, Lots 33, 34, 35, 36, 37 & 4;1 in the CS & LIO zoning district and the Route 303 Overlay Zone.

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 ~~301110~~ S.MR373 MA01

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, ~~NYSDENVR30 MA01~~ Town Supervisor, Applicant - Involved Agencies