

**TOWN OF ORANGETOWN PLANNING BOARD  
Virtual Meeting of Wednesday, May 13, 2020**

**MEMBERS PRESENT:**

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

**MEMBER ABSENT:** None

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

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

**Continued Item from the September 25, 2019 Meeting:**

<b>West Lewis Avenue Minor Subdivision Plan</b>	<b>PB #19-57</b>
Prepreliminary/ Preliminary/ Final Subdivision and SEQRA Review	<b>Continued:</b>
39 West Lewis Avenue, Pearl River	<b>Needs Drainage</b>
68.12/1/44; RG zoning district	

**Continued Item from the October 7, 2019 Meeting:**

<b>27 Greenbush Road Site Plan</b>	<b>PB#19-64</b>
Prepreliminary/Preliminary Site Plan and SEQRA Review	<b>Preliminary</b>
27 South Greenbush Road, Orangeburg	<b>Site Plan Approval</b>
74.11/1/12; CC zoning district	<b>Subject to Conditions</b>
	<b>Neg. Dec.</b>

<b>Sorce Assumma &amp; Shakey Funeral Home Site Plan</b>	<b>PB #20-14</b>
Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review	<b>Final Site Plan</b>
34 Summit Street, Pearl River	<b>Approval Subject</b>
68.19/2/15; RG zoning district	<b>to Conditions</b>
	<b>Neg. Dec.</b>

<b>Instrumentation Laboratories Site Plan</b>	<b>PB #20-15</b>
Final Site Plan Review	<b>Final Site Plan</b>
526 Route 303, Orangeburg	<b>Approval Subject</b>
70.19/1/45; LO zoning district	<b>to Conditions</b>

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Michael Mandel and seconded by Andrew Andrews and agreed to by all in attendance. The meeting was adjourned at 9:30 p.m. The next Virtual Planning Board meeting is scheduled for Wednesday, May 27, 2020.

**DATED: May 13, 2020**

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



MAY 13 2020 10 50 AM  
MAY 13 2020 10 50 AM

**PB#19-64: 27 Greenbush Road Site Plan  
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**TO: John McIntyre, 25 Greenbush Road, Orangeburg, New York  
FROM: Orangetown Planning Board**

**RE: 27 Greenbush Road Site Plan:** The application of John McIntyre, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site to be known as “**27 Greenbush Road Site Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 27 Greenbush Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.11, Block 1, Lot 12 in the CC zoning district.

Heard by the Planning Board of the Town of Orangetown at a meetings held **Monday, October 7, 2019 and May 13, 2020**, the Board made the following determinations:

**October 7, 2019**

Michael Calise, John McIntyre and Donald Brenner appeared and testified. The Board received the following communications:

1. A Project Review Committee Review dated October 2, 2019.
2. 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 October 4, 2019 and March 25, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 3, 2019.
4. A letter from Brooker Engineering signed and sealed by Kenneth DeGennaro, P.E., dated October 5, 2019.
5. Letters from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated September 23, 2019 and Michael Kenzer, dated September 9, 2019.
6. A letter from the Rockland County Department of Highways, signed by Dyan Rajasingham, Engineer II, dated August 28, 2019.
7. Letters from the Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated September 26, 2019, revised October 1, 2019.
8. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer I, dated September 12, 2019.
9. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated September 27, 2019.

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10. A letter from the Town of Orangetown Zoning Board of Appeals, dated September 19, 2019, signed by Dan Sullivan, Chair.
11. A notice from Suez, signed by Bill Prehoda, dated August 30, 2019.
12. A Short Environmental Assessment Form, signed by John McIntyre dated July 22, 2019
13. A Project Narrative prepared by Michael Calise, P.E.
14. Preliminary Site Plan prepared by Michael Calise, P.E., dated May 1, 2019, last revised July 20, 2019.

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

The applicant requested a **CONTINUATION**.

**May 13, 2020 – Virtual Meeting**

Michael Calise, John McIntyre and Donald Brenner appeared and testified.

The Board received the following communications:

1. 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 April 21, 2020.
2. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 23, 2020.
3. A letter from Brooker Engineering signed and sealed by Kenneth DeGennaro, P.E., dated March 7, 2020.
4. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated March 18, 2020.
5. Letters from the Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated March 16, 2020.
6. A letter from the Rockland County Highway Department, signed by Dyan Rajasingham, dated February 25, 2020.
7. An Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated March 10, 2020.
8. A letter from Donald Brenner, P.E., LL.B, dated May 13, 2020.
9. A Project Narrative prepared by Michael Calise, PE, dated February 10, 2020.
10. Site Plan prepared by Michael Calise, PE, last revised October 7, 2019.

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

There being no one else 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; Michael Mandel, aye;  
Robert Dell, aye; Bruce Bord, abstain, Andrew Andrews, aye and Stephen Sweeney, aye.

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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 Stephen Sweeney and seconded by Michael Mandel and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Michael McCrory, aye; Michael Mandel, aye; Robert Dell, aye; Bruce Bond, abstain, Andrew Andrews, aye and Stephen Sweeney, aye the Board declared itself Lead Agency.

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant’s professional representatives, namely Michael Calise, P.E., 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: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District No.1, Rockland County Drainage Agency No.1, Rockland County Department of Health, Rockland County Department of Highways, New York State Department of Environmental Conservation and having reviewed proposed Site Plan by prepared by Michael Calise, P.E. a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

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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 narrative states that the proposed use is “contractor storage”. This use is not permitted by right in the CC zoning district. The applicant must obtain a use variance. A letter was submitted by the applicant dated May 13, 2020 in regard to this item, however, they must satisfy this condition and show an interior layout of the building.
5. The Town of Orangetown Architecture and Community Appearance Board of Review must review and approve the proposed facade and site design difference from what was previously proposed.
6. Review and approval from Rockland County Drainage Agency and all applicable agencies must be obtained and all supporting documentation provided to the Board Clerk.
7. A final certification of compliance from a NYS licensed professional will be required at the completion of the project in order for a Certificate of Occupancy to be issued.
8. The Short Environmental Assessment Form is under review.
9. The applicant must provide information regarding the proposed use of the building. The use must be indicated on the plans.
10. Drainage calculations, prepared and sealed by the applicant’s engineer, shall be submitted to DEME for review and approval, prior to this application receiving final approval.
11. The required drainage calculations shall demonstrate a zero net increase in runoff for the proposed project. This may require stormwater facilities to capture any increase in runoff.

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12. The proposed drainage system shall exhaust outside of the 100 yr. floodplain. The piping and flared end section shall be removed from inside the 100 yr. flood boundary.
13. The applicant's engineer shall describe, in the required drainage calculations, what limitations and actions need to be taken during and after construction, as a portion of proposed building improvements on this site are located in flood zone "X", as it is labeled on the plan.
14. The drawings indicate a "Stormwater management area: along the northern side of the proposed building/ parking area. First, what is this area design to look like? Where are the details for its design. (The drawings say to see the landscape plan, however, no landscape plan was provided.) Second, this "stormwater management area" is in Floodzone X, is the proposed stormwater management practice allowed in floodzone X? The applicant's engineer shall provide all documentation that the stormwater design has been submitted to FEMA and acceptable to FEMA for this area (As well as RCDA and NYSDEC, if applicable.) Third, how does the stormwater runoff from the impervious area (building and pavement) get to this stormwater management area? The proposed grading shows the runoff heading west, not north.
15. The proposed sanitary building connection, with detail and elevations shall be shown on the drawing. Cleanouts, with invert elevations shall be shown along sanitary building connection at all changes in direction and at the property line (where the connection "leaves" the property.) While the design of the sanitary building connection may remain unchanged from the original "Bushburg Plaza", (as noted in the applicant's engineers letter of February 10, 2020, it still needs to be shown with all related details on the current drawing.
16. The soil erosion and sediment control plans and details are under review by DEME.
17. There is a seemingly standalone field inlet shown along the northern side of the lot, what is its purpose. What is it connected to. Is it to remain. Contrary to the applicant's engineer letter of 2/10/2020, comment #11, the field inlet in question, must be investigated NOW. Any piping tied into it and where that piping goes must be determined, as well as its impact on this site and the neighboring sites and described in the required drainage calculations. All this work MUST be done PRIOR to the site plan receiving Final approval. To ensure (1) the proposed drainage design and (2) that said design does not adversely impact this site or any neighboring site.

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18. Profiles for the proposed drainage piping shall be added to the plans. In response to the applicants engineer letter of 2/10/2020, comment #12, DEME HAS requested profiles.
19. All existing and proposed easements, with metes and bounds, page and liber number (instrument number) an ownership, shall be shown on the plan. In response to the applicant's engineer letter of 2/10/2020, comment #16, DEME does not need a title report, just show any and all easements and dedications that are currently on the site or are proposed to be, if applicable.
20. 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.
21. Standard details shall be added to the drawing, i.e. Catch basin, curbing, etc.
22. All proposed utilities shall be shown on the plan.
23. The source benchmark for the referenced datum shall be shown on the drawing.
24. **Drainage Review Recommendation – Brooker Engineering**  
The applicant has added an area for stormwater management, which can provide mitigation for potential significant impacts with respect to drainage. Brooker Engineering therefore recommends that the 27 Greenbush Road Site Plan be approved for drainage subject to the following Project Comments.  
**Project Description**  
This is the second drainage review report for the project; the last report was dated September 23, 2019. The project consists of the development of a partially developed commercial site used as a contractor's storage yard located on the north side of Greenbush Road, west of Route 303. The Sparkill Creek floodplain is located on the property. There is an existing building shell on the property that is to be reused for this project. The building will remain and be enclosed; a new floor slab will be proposed that elevates the building to above the Sparkill Creek floodplain elevation. A stormwater management system is provided on the north side of the building for this submission. A new parking lot is proposed in front of the building with a storm drainage system that sheet flows to the stormwater management basin.

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**Continuation of Condition #24...**

**Project Comments**

1. As per the September 23, 2019 report, an elevation certificate shall be provided for proposed conditions. This shall be provided prior to a Floodplain Development Permit is issued and not "once constructed is completed" as per the applicant's narrative response. An updated elevation certificate shall be provided reflecting as-built conditions prior to issuance of a Certificate of Occupancy.
2. As per the September 23, 2019 report, a Rockland County Drainage Agency permit shall be provided. A map note shall be added to the Site Plan indicating this requirement.
3. As per the September 23, 2019 report, the proposed contours shall show how the fill ties into existing grade and demonstrate no adverse impacts to the properties to the west and south. For instance, the new curb proposed on fill along the west property line shall demonstrate the flow pattern from the south can be maintained and the curb will not act as a berm impacting the property to the west.
4. As per the September 23, 2019 report, the exact finished floor elevation of the new slab shall be provided on the Site Plan. The "plus or minus" designation associated with the proposed finished floor elevation shall be removed.
5. As per the September 23, 2019 report, as per Rockland County mapping, there is a swale along the northwest side of the property that receives stormwater runoff from properties to the south and conveys this runoff to the Sparkill Creek. This appears to be outside the limits of the proposed parking lot. The site plan shall demonstrate that this flow pattern will remain and no adjacent properties will be adversely impacted. Map notes shall be added to the site plan with drainage arrows indicating this swale.
6. As per the September 23, 2019 report, the outlet of the existing field inlet west of the building shall be shown.
7. Soil stockpiles west of the building were present on the site north at the time of the site visit. These shall be included on the Site Plan and the proposed ground cover in this area shall be noted.
8. As per the September 23, 2019 report, existing and proposed impervious surfaces shall be quantified and stormwater mitigation measures shall be provided.
9. The Site Plan shows a "Proposed Stormwater Management Basin (See Landscaping Plans for Details)". The Landscaping Plan was not provided in this submission.
10. The narrative provided by the applicant's engineer indicated a drainage report would be provided under separate cover. The drainage report was not received.

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**Continuation of Condition #24...**

11. Correct the proposed elevation 88 contour at the southwest corner of the proposed parking lot. The contour is inconsistent with the proposed 88.5 spot grade. The contour shall be shown on the high side of the curb (west of the curb) and proposed grading/fill shall be demonstrated to impact the property to the west.
12. Proposed grades adjacent to the building shall be added at all building corners.
13. The earth dike and sediment trap stone outlet indicated on the Erosion Control Plan legend shall be shown on the Erosion Control Plan.
14. Grading of the Stormwater Management Plan shall be shown on the Grading Plan. The means for which stormwater runoff sheet flows in this area shall be shown. A drop curb may be necessary.
25. The Rockland County Department of Planning reviewed the submitted information and offered the following comments:
  1. It does not appear that contractor's storage is a permitted use in the CC zoning district. It must be clarified if this is, in fact, a permitted use. If the use is permitted, the Town must confirm that use group J4 applies to this proposal, and that the 1992 approval still applies. If contractor's storage is not a permitted use, this application must not be approved, and a use variance must be sought. In order to be granted a use variance, an applicant must prove unnecessary hardship in order for a use variance to be granted. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:
    - The applicant cannot realize a reasonable return, provided the lack of return is substantial as shown by competent financial evidence.
    - The alleged hardship is unique and does not apply to a substantial portion of the district or neighborhood.
    - The requested variance will not alter the essential character of the neighborhood.
    - The alleged hardship is not self-created.
  2. A parking calculation based on the applicable district standards must be provided to ensure that adequate parking can be achieved.
  3. If it is found that the 1992 approval does not still apply to this site, additional variances may be required. Rockland County Planning Department requests the opportunity to review any variances that may be necessary, as required by NYS General Municipal Law.
  4. A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
  5. An updated review must be completed by the Rockland County Drainage Agency, any comments or concerns addressed, and all required permits obtained.

OFFICE CLERK J. S. KERR

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**Continuation of Condition #25...**

6. As per the letter of September 26, 2019 from the Rockland County Health Department (RCDOH) application is to be made for review of the stormwater management system for compliance with the County Mosquito Code.
7. 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.
8. 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.
9. 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. In addition, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be utilized by the new users.
10. Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Standards for Urban Erosion and Sediment Control.
  11. There shall be no net increase in the peak rate of discharge from the site at all design points.
  12. A landscaping plan shall be provided for the site.
  13. A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
  14. A signage plan that conforms to the Town's standards must be submitted for review. Any signs must be kept out of the County right of way.
  15. The cover sheet submitted with this application states the project is located in the L zoning district, this shall be corrected to CC zoning district, the public hearing notice must be reissued with the correct zone.
26. The Rockland County Department of Health reviewed the submitted information and offered the following comment:
  1. Application is to be made to the Health Department for review of the stormwater system for compliance with the County Mosquito Code.
27. Based upon the plans and information received, Rockland County Highway Department offered the following comments:
  1. A drainage report shall be prepared for the proposed development. The report shall satisfy the County's drainage requirement of "no net increase in peak rate of discharge from the site at all design points".

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28. Rockland County Drainage Agency (RCDA) has previously reviewed the site and determined that the site is within the jurisdiction of RCDA. Therefore, a permit or determination otherwise from the RCDA, pursuant to the Rockland County Stream Control Act is required within the site. Please note that an application for a different project was received by the RCDA from a different applicant, however, a Stream Control Act Permit was NOT issued. Please have the applicant provide a new permit application with updated information to the RCDA copies of 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.

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 the plans and information received, the Town of Orangetown Bureau of Fire Prevention (Bureau) offered the following comments:
1. Provide an NFPA 72 approved fire alarm system with direct connection to Rockland County 44-Control (fire alarm plans must be approved by the Bureau prior to installation. Place this comment as a note on the Site Plan.
  2. Provide emergency lighting, exit signs and egress as per chapter 10 of the NYS building Code (show this on the Site Plan)
  3. Provide a Supra Box for FD access. (ordering information available from the Bureau and place as a note on the Site Plan)
  4. Install fire extinguishers in locations to be determined on the Building Plan (place this as a note on the Site Plan)
  5. Aerial fire apparatus access is required to be 26 feet wide at a minimum and not located within the collapse zone of the building. This is to be provided at the south side of the building. The parking area/ appears to be in excess of 150 feet requiring a turnaround for fire apparatus (show on a revised Site Plan).
  6. Locations of fire lanes will include all paved areas other than approved parking spaces and will be stripped and signed per NYS Fire and Town Fire Code. (show this information on the Site Plan)
  7. Truss signs will be required in locations to be determined by the Bureau. (place this as a note on the Site Plan)
  8. A certificate of compliance fire safety must be applied for and maintained. (place this as a note on the Site Plan)
  9. What will be stored in the building? Equipment, trucks, hazardous materials, etc. Please clarify.

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NONOFFICE CLERK'S OFFICE

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

- Town of Orangetown Zoning Board of Appeals
- Rockland County Sewer District No. 1
- Rockland County Department of Health
- Rockland County Highway Department
- New York State Department of Environmental Conservation

32. 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.

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

34. **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.

301150 S.MR370.MN01  
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NA0139NV90 50 MN01

**PB#19-64: 27 Greenbush Road Site Plan  
Preliminary Site Plan Approval Subject  
to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
May 13, 2020 – Virtual Meeting  
Page 13 of 14**

- 35.** 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.
- 36.** 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.
- 37.** The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
- 38.** 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).
- 39.** Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
- 40.** 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
- 41.** The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

CLERK'S OFFICE

503 V 1 - NJ 0702

ORANGETOWN NJ

**PB#19-64: 27 Greenbush Road Site Plan  
Preliminary Site Plan Approval Subject  
to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
May 13, 2020 – Virtual Meeting  
Page 14 of 14**

**42.** 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 Stephen Sweeney and seconded by Andrew Andrews and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Bruce Bond, abstain; Andrew Andrews, aye; Michael Mandel, aye; Robert Dell, aye; Michael McCrory, aye and Stephen Sweeney, 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: May 13, 2020  
Cheryl Coopersmith, Chief Clerk Boards and Commissions  
Town of Orangetown Planning Board  
attachment



CE1FFJO S.MR37C MM01  
50 6 V 1 - MM 0202  
MM013GNVRO JO MM01

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

**PB#19-64: 27 Greenbush Road Site Plan  
Preliminary Site Plan Approval Subject  
to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
May 13, 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: 27 Greenbush Road 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 27 Greenbush Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.11, Block 1, Lot 12 in the LI zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

Office of Building, Zoning and Planning  
Administration and Enforcement

Town of Orangetown

20 Greenbush Road

Orangeburg, NY 10962

Telephone Number: 845-359-5100

For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent - Commissioner, New York State Department of Environmental Conservation, - Region 3, Headquarters, NYSDEC, - Town Supervisor, Applicant, Involved Agencies **506 A 1 - NP 0207**

**MMOLEGNVRO JO MM01**



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

**Town of Orangetown Planning Board Decision  
May 13, 2020 – Virtual Meeting  
Page 1 of 8**

**TO: Donald Brenner, 4 Independence Avenue, Tappan,  
New York 10983  
FROM: Orangetown Planning Board**

**RE: Sorce Assumma & Shakey Funeral Home Site Plan:** The application of Joseph Sorce, applicant, for 34 Summit Avenue LLC, owner, for a Preliminary/ Preliminary/ Final Site Plan Review at a site to be known as **"Sorce Assumma & Shakey Funeral Home Site Plan"**, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 34 North Summit Street, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.19, Block 2, Lot 15; in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held Wednesday, **May 13, 2020**, at which time the Board made the following determination:

Donald Brenner and Joseph Sorce appeared and testified for the applicant. 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, AIA, RA, Director, dated May 8, 2020.
2. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated March 23, 2020.
3. Letters from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated March 16, 2020 and Michael Kenzer, dated March 5, 2020.
4. Letters from the Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated March 16, 2020.
5. Letters from the Rockland County Department of Highways, signed by Dyan Rajasingham, Engineer II, dated March 9 & 10, 2020.
6. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer II, dated March 19, 2020.
7. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chair, dated March 4, 2020.
8. A project narrative and a letter from Saint Margaret of Antioch Church, dated August 22, 2019.
9. A Short Environmental Assessment Form, dated December 19, 2019, signed by Donald Brenner.
10. A copy of the Building Permit Referral prepared by Rick Oliver, Deputy Building Inspector, dated June 24, 2019.
11. Site Plan prepared by Robert Sorce, PLS dated September 23, 2019, last revised January 31, 2020.

3011410 S.MR370 MM01

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MM0130NVR00 JO MM01

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

**Town of Orangetown Planning Board Decision  
May 13, 2020 – Virtual Meeting  
Page 2 of 8**

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

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

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Highway, Rockland County Department of Planning, Rockland County Health Department, Rockland County Sewer District #1 and having reviewed the drawings presented by the applicant’s professional consultant; Robert Sorace, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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Funeral Home Site Plan  
Final Site Plan Approval Subject to Conditions  
Neg. Dec.

Town of Orangetown Planning Board Decision  
May 13, 2020 – Virtual Meeting  
Page 3 of 8

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

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

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

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

**Town of Orangetown Planning Board Decision  
May 13, 2020 – Virtual Meeting  
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2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.
4. The applicant shall obtain a license from the Town of Orangetown Department of Highway for the canopy that is located within the Town right of way. If approval is not granted from the Highway Department, then applicant will need to remove the canopy. The approval of the Highway Department must be obtained prior to appearing at the Town of Orangetown Zoning Board of Appeals.
5. Undertaker is not a use permitted in the RG zoning district.
6. Chapter 43, Article IX Nonconforming Use, 9.34; to the extent the district bulk regulations permit, and on application of the Board of Appeals, any use, except a sign,... may be extended up to but not exceeding an aggregate increase of 50% in its floor area.
7. Per Chapter 43, table 3.12, RG District, Group T, Column 8, Front yard required 75', 0' to existing canopy and 23.1' existing to main structure with 37' proposed to the addition; Column 9, side Yard required 50', with 6.7 existing and 7.3' proposed to addition. Town of Orangetown Zoning Board of Appeals approval is required.
8. Parking requirements under RG District, Column 6, number 1, same as R-15; 200 square feet of gross floor area but not less than 1 space for each 5 seats where provided. Thirty-one (31) required per 1/200 sq. feet, with eight (8) spots existing and proposed. Town of Orangetown Zoning Board of Appeals approval is required.

ENCLOSURE 1  
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MM013GNV90 JO MM01

Funeral Home Site Plan  
Final Site Plan Approval Subject to Conditions  
Neg. Dec.

Town of Orangetown Planning Board Decision  
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9. Per section, 5.153 Locations of accessory buildings or structures, *Accessory buildings or structures shall conform to the bulk regulations of the district, except that none shall be located in a front yard. The 10'x10' shed is located in the front yard on the northeast corner of the lot and the 8'x12' shed is located 2.4' from the rear yard and 2.6' from the southern side yard. Town of Orangetown Zoning Board of Appeals approval is required.*
10. Approval for the front Canopy within the town right away must also be obtained from the Highway Department.
11. Existing and proposed exterior lighting shall be shown.
12. Review and approval is required from the Town of Orangetown Architecture and Community Appearance Board of Review (ACABOR).
13. The Short Environmental Assessment Form, question number 5(a) should be marked NO and 5(b) marked YES. The other items are in order.
14. Details for inlet protection and a construction entrance are included on the drawings, however, their location on the site plan is not shown. This shall be corrected. In addition, the symbol for silt fencing shall be revised to meet the NYSDEC standards.
15. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
  1. A review must be completed by the Rockland County Highway Department must be met,
  2. A review must be completed by the Rockland County Department of Health, any comments or concerns addressed, and any required permits obtained.
  3. As per the parking tabulation on the site plan, 31 parking spaces are required, yet only 8 are provided. Due to this, a parking variance may be required. It must also be noted that under no circumstances can vehicles park within the Right of Way of the County highway.
  4. 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. In addition, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces, especially since the site is very deficient in providing the number of required parking spaces.
  5. The site plan shall include map notes that list all appropriate information, including the district details.
  6. The Rockland County Department of Planning ~~requests~~ <sup>301410 S.M. requests</sup> the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239m (3)(a)(v).

301410 S.M. requests  
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that may be needed  
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proposed site plan,  
as required by  
New York State  
General Municipal  
Law, Section  
239m (3)(a)(v).

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

**Town of Orangetown Planning Board Decision**

**May 13, 2020 – Virtual Meeting**

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16. Rockland County Highway Department (RCHD) reviewed the submitted plans and offered the following comments:

- The applicant shall demonstrate that the existing/proposed drainage system is adequately designed to produce no net increase in the peak rate of discharge from the site at all design points.
- A road work permit shall be obtained from the RCHD prior to starting any construction work in the property, if the proposed plan is approved by the Town.

17. The Rockland County Department of Health reviewed the information and offered the following comment:

- 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.

18. 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 no future correspondence is requested for this site.

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

- Rockland County Health Department
- Town of Orangetown Zoning Board of Appeals
- Rockland County Planning Department
- Rockland County Highway Department
- Rockland County Sewer District #1

20. 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.

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

22. 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:

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Funeral Home Site Plan  
Final Site Plan Approval Subject to Conditions  
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Town of Orangetown Planning Board Decision  
May 13, 2020 – Virtual Meeting  
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Continuation of Condition #22....

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

OFFICE

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Funeral Home Site Plan  
Final Site Plan Approval Subject to Conditions  
Neg. Dec.

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26. 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).
27. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
28. 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

29. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

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

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: May 13, 2020**

Cheryl Coopersmith

Chief Clerk Boards and Commissions

Attachment



OFFICE CLERK

90 6 V 1 - NJ 0202

MA0139NVA00 JD MA01



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

PB #20-15: Sorace Assumma & Shakey

Permit #49032

Funeral Home Site Plan

Final Site Plan Approval Subject to Conditions  
Neg. Dec.

Town of Orangetown Planning Board Decision  
May 13, 2020 – Virtual Meeting  
Page 1 of

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:** Sorace Assumma & Shakey Funeral Home Site Plan  
**SEQR STATUS:** Type I \_\_\_\_\_ Unlisted XXXXXX  
**CONDITIONED NEGATIVE DECLARATION:** Yes \_\_\_\_\_ No XXXXXX

**DESCRIPTION OF ACTION:** Site Plan Review

**LOCATION:** The site is located at 34 North Summit Street, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.19, Block 2, Lot 15; in the RG zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

Office of Building, Zoning and Planning  
Administration and Enforcement  
Town of Orangetown  
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, 109 State Street, Albany, NY 12247  
Involved Agencies

90:b V 1-NP 0202

MA0139NVR0 JO MA01

PB#20-15: Instrumentation Laboratory Site Plan                      Permit #48870  
(526 Route 303 Site Plan)    Supersedes Permit #46508  
Final Site Plan Approval Subject  
to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision  
May 13, 2020- Virtual  
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TO:                      Donald Brenner, 4 Independence Avenue, Tappan, New York  
                                 10983  
FROM:                      Orangetown Planning Board

RE:                      Instrumentation Laboratory Site Plan: The application of Instrumentation Laboratory, owner, for Final Site Plan Review for the review of existing accessory structures, existing parking expansion and building expansions at a site known as "Instrumentation Laboratory 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 526 Route 303, in the Route 303 Overlay Zone, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.19, Block 1, Lot 45 in the LO zoning district.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held **Wednesday, May 13, 2020**, the Board made the following determinations:

Donald Brenner, Rob Walsh and Randall Vlasak 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 May 8, 2020.
2. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated April 7 & 3, 2020.
3. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated March 20, 2020.
4. Letters from the Rockland County Department of Highways, signed by Dyan Rajasingham, Engineer II, dated March 16 & 3, 2020.
5. A letter from the New York State Department of Transportation, signed by Mohammed Islam, Assistant Engineer, dated December 20, 2019.
6. A Stormwater Pollution Prevention Plan/ Building & Parking Addition, Instrumentation Laboratory, prepared by EI Associates Architects and Engineers, dated February 18, 2019.
7. A Traffic Impact Study, prepared by Maser Consulting, dated February 14, 2020.
8. A letter from EI Associates Architects and Engineers, signed by Robert Walsh, PE, PP, Chief Civil & Environmental Engineer dated February 25, 2020.
9. Copies of the following Board Decisions: ACABOR #19-51, Approved as Presented, dated February 6, 2020; ZBA #19-94, Variances Approved, dated November 6, 2019 and PB#19-45, Preliminary Site Plan Approval Subject to Conditions, dated July 31, 2019.

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10. Plans prepared by EI Associates Architects and Engineers, dated April 10, 2018, last revised February 25, 2020:
- CT01: Title Sheet
  - C01: Existing Conditions & Site Demolition Plan
  - C02: Site Plan
  - C03: Site Improvement Details
  - C04: Grading & Drainage Plan
  - C04.1: Drainage Details
  - C05: Drainage Details
  - C06: Site Lighting Plan
  - C07: Landscape Plan & Details
  - C08: Soil Erosion Control Plan
  - C09: Soil Erosion Control Details & Notes

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

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

**Reaffirmation of SEQRA:**

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

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

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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, 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 Health, Rockland County Sewer District #1, and having reviewed a Plan prepared by El Associates Architects and Engineers 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.

CECILIA S. KERRICK, CLERK

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On motion by Stephen Sweeney and seconded by Michael Mandel and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Michael McCrory, aye; Michael Mandel, aye; Robert Dell, aye; Bruce Bond, abstain; Andrew Andrews, aye and Stephen Sweeney, aye, the Board reaffirmed the 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. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.
4. The applicant shall comply with all applicable previous Board Decisions: ACABOR #19-51, Approved as Presented, dated February 6, 2020; ZBA #19-94, Variances Approved, dated November 6, 2019 and PB#20-15, Preliminary Site Plan Approval Subject to Conditions, dated July 31, 2019.
5. Application is for an addition to an existing building, new parking layout and legalization of existing accessory structures that were constructed without permits.
6. Per page 9 of the Traffic Impact Study, Maser Consulting has determined that "Similar Levels of Service and Delays will be experienced under future No-Build and future Build Conditions."

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7. The board should review comment number 7 of the RC Planning letter dated March 20, 2020, "Excess parking should be put in as reserve to be constructed in the future, if needed."
8. 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.
9. A full set of construction plans must be submitted to OBZPAE for review.
10. The existing sanitary sewer easement, along Route 303 – that benefits the Town of Orangetown, shall be extended to the north and south to fully encompass the existing sanitary main.
11. The area of disturbance shall be listed on the drawings and listed in the SWPPP narrative. Total a.o.d. shall be listed/stated in the SWPPP narrative – Section 1.0 "Project Description)
12. Additional drainage structures (catch basins and piping) shall be added to the northern parking area. It appears that the current design will be inadequate to handle a large scale storm and the overland runoff created by the new/ expanded parking area. Also, there are no structures (catch basins and piping) along the eastern side of the proposed parking lot. However, the proposed grading will direct runoff there. (Catch basins and piping required along eastern most portion of proposed northern parking lot – along Route 303)
13. The soil erosion and sediment control plan shall utilize standard NYSDEC symbols.
14. Profiles for all proposed drainage piping shall be added to the drawings. (Profiles for ALL proposed drainage piping – missing: MH #15)
15. The datum for the contours shall be given. Also, a note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.
16. The SWPPP (with drainage calculations) supplied is under review by DEME for review and approval. A review will be sent to the applicant's engineer directly, under separate cover. However, the SPDES construction permit referenced in 1.0 "Project Description" NOI, appendix E, etc., is out of date. As a reminder to the Applicant's engineer, GP-0-20-001 went into effect on January 29, 2020. The applicant's engineer shall ensure that the SWPPP/ drainage design for this project and all referenced and forms shall comply with the new SPDES permit. Also, the current issuedate (January 2015) of the New York State Stormwater Management Design Manual (NYSDEC, SMDM) shall be listed where the SMDM is referenced (e.g. "Project Description", etc.)

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17. The SWPPP shall indicate what type of stormwater basin is being designed in accordance with the NYSDEC-SMDM (e.g. is it a P1, P2, etc.). This NYSDEC-SMDM number/ name shall also be listed/ noted on the drawing in or around the basin. Also, the SWPPP makes no mention of how Chapter 9 of the SMDM is being addressed. This information and design features shall be added to the SWPPP and the drawings.

18. The precipitation rate (8.40 inches) for the 100 yr. storm, used in Appendix C of the SWPPP is too low. The current 24 hr. rainfall rate for the 100 yr. storm for this area is 9.07. The SWPPP calculations, and possibly the stormwater basin design and ancillary appurtenances (emergency spillway, outfall structures, exhaust piping, etc.), shall be recalculated and redesigned/ revised using the correct rainfall rate.

19. Although ONE cross section through the proposed stormwater basin is shown on a profile on drawing C04.1, not enough information is shown. Separate (multiple) cross sections through the stormwater basin shall be added to the plans. As previously stated on PB#20-15, condition #22 – cross sections through the proposed stormwater pond shall be added to the drawings. The cross section shall include (and label/note) water quality/channel protection/ overbank protection/ extreme flood control elevations, low flow channel and corresponding storage volumes (for the different yr. storms analyzed), as well as outlet control structures outlets with corresponding elevations, emergency spillway with elevation, maintenance access path with elevation, etc.

20. The actual calculations/ tabular Hydraulflow results (pre and post construction –not just the hydrographs) shall be added to the SWPPP. Also, pre and post calculation shall be under separate Appendix tabs.

21. Contrary to the applicant's engineer's letter to Donald Brenner, P.E., LLB of February 25, 2020, comment #26, drawing C08 still shows the limit of disturbance (LOD) and silt fencing off of the subject property and on NYSDOT R.O.W. As per PB#20-15, condition #26, all proposed work shall be contained onsite.

22. Drawings C04.1 and C08, as well as page 1 of Appendix F of the SWPPP, call for the exiting piping underneath the existing driveway entrance off of Route 303 to be replaced/ increased to an 8 inch in diameter. However, drawing C04 still shows the existing 12 inch pipe remaining. This shall be corrected.

23. The invert of the exhaust of the 12 inch pipe underneath the existing access drive off of Route 303, is shown with different elevations on drawing C01 and C04.1. This shall be corrected.

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24. Many of the forms in the SWPPP, from the NS Stormwater Management Design Manual and the NYS Standards and Specifications for Erosion and Sediment Control are out of date. These forms shall be updated to the current publications/ form.

25. The post construction stormwater maintenance agreement is under review by DEME. However, there are multiple references to the Town of Chestnut Ridge in the document, this shall be corrected. Also, the applicant's attorney shall contact the Town of Orangetown Town Attorney's Office to obtain a copy of the Orangetown's standard boiler plate to ensure the PCSWMA prepared matches Orangetown's requirements.

26. A legend shall be added to drawing C04.

27. **Drainage Review Recommendation - Brooker Engineering (prior review)**  
Drainage calculations have been provided for this submission that demonstrates that potential significant adverse impacts with respect to stormwater runoff can be mitigated and therefore recommends that the 526 Route 303 Site Plan be approved for drainage subject to the following conditions.

**Project Description**

Brooker Engineering previously reviewed this site for drainage for the approval of additional parking spaces and site modifications made since the approved 1986 Site Plan. No new exterior work was proposed at the time of that application and the Drainage Consultant approved for drainage subject to no conditions in the July 7, 2018 report.

This is the second drainage review report for this new project consisting of a building addition and parking lot expansion; the last review was dated July 1, 2019. A 68 feet by 321 feet building addition is proposed on the north side of the building and an approximately 260 feet by 116 feet parking lot expansion is proposed at the northeast corner of the property. An additional parking lot expansion is proposed along the eastern parking lot. A stormwater management basin is proposed in the existing grass lawn area along the east side of the property fronting Route 303.

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**Continuation of Condition #27...**

**Additional Information Reviewed**

Since the last drainage review report, the applicant has submitted a Stormwater Pollution Prevention Plan that contains calculations to support the sizing of the stormwater management basin. Drainage calculations have been provided that demonstrate that the stormwater management basin is adequately sized to produce no net increases in peak stormwater runoff rates. The project increases impervious surfaces by 1.54 acres; this occurs over an existing grassy area. The basin provides storage for 6.6 inches of stormwater runoff over the proposed new impervious areas and reduces peak flows by about 50%.

**Project Comments**

1. Drainage calculations shall be provided that demonstrate that the stormwater management basin is adequately sized to produce no net increases in peak stormwater runoff rates.
2. The Sparkill Creek is located on the east side of Route 303 in the vicinity of the site. There is no mapped FEMA floodplain on the property, but there is a tributary to the Sparkill along the southern property line. There is a drainage ditch located from the local storm system to the tributary. A hydrologic and hydraulic analysis of the tributary shall be performed to demonstrate the proposed stormwater management system will not be surcharged by the tributary and provide the presumed stormwater runoff volume intended for the local runoff.
3. Provide additional information for the existing storm drainage pipe that crosses under the existing driveway from the proposed stormwater management basin to the drainage ditch. It appears the ditch is back pitched with sedimentation occurring along the channel, thereby reducing the capacity of the ditch. The ditch shall be evaluated and improvements may be required.
4. A swale is proposed along Route 303 that concentrates stormwater runoff to about the location of the existing driveway entrance to Route 303. Provide more detail for the path of stormwater at this location.
5. It appears the limit of disturbance along the northeastern side of the existing parking lot, near proposed catch basin inlet #12, may create a low point along the limit of disturbance that will result in ponding. Provide more detail in this location to demonstrate the drainage pattern.
6. Provide more detail along the east side of the existing east parking lot (near the high point with elevation 99.06) to demonstrate the drainage pattern at this location.

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Continuation of Condition #27...

7. Provide soil testing data to support the use of an infiltration basin to provide water quality mitigation.

8. Provide the supporting calculations for the stage versus storage and stage versus discharge curves in the SWPPP.

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

- An updated review must be completed by the New York State Department of Transportation, and any comments or concerns addressed in their letter of December 20, 2019.
- A review must be done for the stormwater management system by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- The applicant must comply with the comment made by the Rockland County Highway Department in its letter of March 13, 2020.
- Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Standards for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- The site plan indicates 301 parking spaces are required for this property based on square footage, and 184 spaces are required based on number of employees. However 313 are to be provided. Justification for why 12 extra spaces are necessary shall be included, especially since the employee breakdown by shift illustrates that only 184 spaces are needed. Excess parking should be put in as reserve to be constructed in the future, if needed.
- Area 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 specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by employees.

29. Based upon the plans and information received, Rockland County Highway Department requested the following: **a drainage report for the proposed improvement shall be submitted to the Highway Department for review.**

The drainage calculation shall demonstrate that the storm water management basin is adequately designed to produce no net increase in peak rate of discharge as it enters the public drainage system.

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30. The Rockland County Health Department reviewed the submitted information and found that application is to be made to the Health Department for review of the stormwater system for compliance with the County Mosquito Code.

31. The Town of Orangetown Bureau of Fire Prevention had the following comments which are incorporated herein as conditions of approval:

- A fire lane must be provided on the north side of 2 story addition at a minimum width of 26 feet.
- Provide a site plan showing a fire apparatus with the following dimensions navigating the north, east and south sides of the building; the overall length 48 feet, length from center of front axle to center of rear axle 285 inches.
- Clarify the proposed use of the 2 and 1 story additions.
- NFPA 13 compliant fire sprinkler coverage must be provided.
- NFPA 72 compliant fire alarm coverage must be provided.
- Emergency lighting, exit signage and an egress plan must be provided per chapter 10 of the New York State Fire Code.

32. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is not required based upon its review of the information provided.

33. The New York State Department of Transportation reviewed the submitted information and offered the following comments:

- Please provide a Traffic Impact Analysis that includes existing and full development traffic volumes, peak periods, turning counts and crash information located near both entrances/exits. The assessment needs to address the safety deficiencies and other impacts to the NYS Highway system as well as the applicant's proposed mitigation.
- Please provide a copy of the final SEQRA determination by the Town and what is the status of the project.

34. 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.

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

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- 36. 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.
- 37.** 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.
- 38.** 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.

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39. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
40. 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).
41. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
42. 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
43. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.
44. 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.

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**Overrides**

The Board made a motion to override Condition #6 of the March 20, 2020 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

#6. The proposed plans shall comply with the Route 303 Overlay Zone, to the extent applicable.

The Board held that the Town of Orangetown Zoning Board of Appeals granted all of the variances that were needed.

A motion to override the condition was made and moved by Stephen Sweeney and seconded by William Young and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye; Bruce Bond, abstain; Robert Dell, aye; Stephen Sweeney, aye and Michael McCrory, aye.

The foregoing Resolution was made and moved by Stephen Sweeney and seconded by Andrew Andrews and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Bruce Bond, abstain; Michael Mandel, aye; Robert Dell, aye; Michael McCrory, aye; Andrew Andrews, aye and Stephen Sweeney, 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: May 13, 2020  
Cheryl Coopersmith, Chief Clerk Boards and Commissions  
Town of Orangetown Planning Board



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