

TOWN OF ORANGETOWN PLANNING BOARD
Virtual Meeting of Wednesday, May 27, 2020

MEMBERS PRESENT:

Thomas Warren, Chairman	William Young, Vice-Chairman
Michael Mandel	Michael McCroly
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

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

BCH Realty, LLC Site Plan	PB #20-16
Prepreliminary/Preliminary Site Plan and SEQRA Review	Preliminary Site Plan Approval Subject to
20 Mountainview Avenue, Orangeburg	Conditions/ Neg. Dec.
74.07/1/27; LI & CC zoning districts	


Lane Resubdivision Plan	PB #20-17
Prepreliminary/Preliminary/ Final Subdivision Plan and SEQRA Review	Final Resubdivision Plan Approval Subject to
125 Park Avenue, Palisades	Conditions/ Neg. Dec.
77.20/2/76, 77& 78; R-15 zoning district	

Orange Bank & Trust Site Plan & Monument Location Plan	PB#20-18
Prepreliminary/Preliminary Site Plan and SEQRA Review	Preliminary Site Plan Approval Subject to
374 South Middletown Road, Nanuet	Conditions/ Neg. Dec.
64.17/1/78; CO zoning district	

Onyx Management/ Amazon Delivery Center Plans	PB#20-19
Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review	Continued: provide
200 & 400 Oriani Drive	additional information
& 877 Western Highway, Blauvelt	
65.18/1/1 & 22 and 70.06/1/1.12; LO zoning district	

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Andrew Andrews and seconded by Michael Mandel and agreed to by all in attendance. The meeting was adjourned at 10:47 p.m. The next Planning Board meeting is scheduled for June 1, 2020.

DATED: May 27, 2020

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

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

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

RE: BCH Realty Site Plan: The application of Concaro, LLC, applicant, for BCH Realty, LLC, owner, for Prepreliminary/ Preliminary Site Plan Review at a site to be known as “**BCH Realty 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 20 Mountainview Avenue, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 27, in the LI & CC zoning districts.

Heard by the Planning Board of the Town of Orangetown at a Virtual meeting held **Wednesday, May 27, 2020**, the Board made the following determinations:

Steven Sparaco, John Carollo and Donald Brenner 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., Director, dated May 18, 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 by Kenneth DeGennaro, P.E., dated May 27, 2020.
4. Letters from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated March 10, 2020 and Michael Kezner, dated February 26, 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 20, 2020.
7. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer I, dated March 19, 2020.
8. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated March 10, 2020.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Trish Castelli, Acting Chairman, dated February 19, 2020.

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10. A letter from Suez, signed by Bill Prehoda, dated March 9, 2020.
11. A Short Environmental Assessment Form, signed by Carollo, dated February 13, 2020.
12. Site Plans prepared by Sparaco & Youngblood dated January 28, 2020, and revised as noted:
 - Drawing 1 of 5: Site Plan/ Planimetric Plan
 - Drawing 2 of 5: Grading & Utility and Erosion & Sediment Control Plan
 - Drawing 3 of 5: Landscape & Lighting Plan
 - Drawing 4 of 5: Existing Conditions, revised October 21, 2019
 - Drawing 5 of 5: Detail Sheet
13. Drainage Report prepared by Sparaco & Youngblood, dated January 28, 2020, signed by Steven Sparaco, P.E.
14. Amended Building Permit Referral dated April 11, 2016, amended January 28, 2020.

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 Stephen Sweeney and seconded by Andrew Andrews 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 seconded by Michael Mandel 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 Board declared itself Lead Agency.

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

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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

Sparaco & Youngblood and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Sewer District No.1, Rockland County Department of Highways, Rockland County Department of Planning, and having reviewed a proposed Site plan by prepared by Sparaco & Youngblood dated January 28, 2020, 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.

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

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On motion by Michael Mandel and seconded by Andrew Andrews 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 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 Approval Subject to the Following Conditions:**

1. The following note shall be placed on the subdivision plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant is proposing to take over the adjacent tenant space to expand an existing restaurant and expand the existing parking lot. The use is an existing non-conforming use in the LI district.
 - 1) The applicant must make application to the Town of Orangetown Zoning Board of Appeals per Chapter 43, Article IX, section 9.34 Extension or enlargement. *A nonconforming use shall not be extended except as follows: To the extent the district bulk regulations permit, and on application of the Board of Appeals, any use, except a sign, first permitted by right or by special permit, in any district, may be extended up to but not exceeding an aggregate increase of 50% in its floor area or of its land area occupancy if a non-building use. However, this provision may be used only once for each such use.*
 - 2) Applicant proposes parking in the front yard; 50' required with 11.4' proposed, side yard; 50' required and +/-4.6' proposed, and rear yard; 50' required and 18.7' proposed. Per Chapter 43, Table 3.11, LI District, Column 7, number 8, *No parking is permitted in any required yard, unless permitted by any board or town agency having jurisdiction. This permission may be granted at the time of site review or as the time of the approval of a commercial subdivision.*

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Continuation of Condition #3...

- 3) Per Chapter 43, Article IV, section 6.34, Size of spaces, a parking space shall be considered a space nine feet wide and 18 long. The 10 proposed spaces in the rear of the property are indicated at 8' in width. This must be revised to 9'.
- 4) All existing overhead door locations shall be shown. There are currently four (4) loading berth areas, is the intent to eliminate them?
- 5) The basement area must be provided and included in the calculations.
- 6) Plans indicate, "retaining wall as designed by others." Engineering drawings, details and specifications must be provided for the proposed retaining wall, which ranges in height from 2.5 feet to 7.5 feet.
- 7) The applicant shall appear at the Town of Orangetown Architecture and Community Appearance Board of Review for review.
- 8) The Short Environmental Assessment Form appears to be in order.
4. The total area of disturbance (a.o.d.) shall be listed and shown graphically on the plans, as well as mentioned (in table form) in the introductory narrative of the drainage calculations. A full SWPPP MAY be required if a.o.d is over 1 acre. The a.o.d. shall include all proposed work (e.g. new parking area, utility installation, retaining wall construction, modification to existing detention basin and outlet structure, installation of pretreatment facilities, installation of construction access path to detention basin, etc. all of this shall be listed in tabular form in the drainage calculations.)
5. The drainage calculations supplied are under review. Labeled separation tabs shall be added to the drainage calculations. The calculations supplied mention "pretreatment" oil/water separators, but their location and total number to be installed is not shown on the drawings. This shall be corrected. Details for said oil/water separators shall be added to the plans.
6. Additional drainage facilities (catch basins and possible increased drainage pipe size) shall be added to collect stormwater runoff from the new paved/ parking areas. The drainage calculations shall include an analysis of the existing stormwater infrastructure piping and its capacity to accept, or not accept, the proposed increase in flow from the new parking areas.

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7. A proposed drainage plan shall be added to the drawing set. It shall show all existing and proposed stormwater facilities (with top and invert elevations.) Also, pre and post construction cross sections through the existing stormwater basin, shall be added to the plans.
8. A stabilized, permanent construction/ maintenance access path to the existing detention basin shall be shown including a stabilized maintenance path (12 foot minimum width) around the basin to reach the outlet structure, emergency spillway (see comment #6 below) with erosion control around it. This disturbance shall be added to the overall a.o.d. and "counted" in the table requested in Condition #4 of this decision. This path shall also be included in the tabulation of total new impervious area.
9. The proposed grading around the existing detention basin is in error. Proposed grade 82 is "tied" to existing grade 84. This shall be corrected. Also, no revised grade 84 is shown. This too shall be corrected.
10. An emergency spillway shall be added to the detention basin which is to be expanded in capacity. A detail for same shall be added to the drawings.
11. The proposed improvements shall extend where the current fencing is around the detention basin. This shall not only be labeled as to be removed, but also relocated around the new extents of the basin. This shall be clearly shown on the drawings.
12. The detention basin plan and details are hard to identify. A "blow-up" of the ungraded/ modified stormwater basin shall be provided on the drawings. Cross-sections, storage volume vs. elevation vs design storm, outlet structure details (with elevations), underdrain details, profiles with elevations, outlet pipe details, 12 foot wide maintenance path (that reaches the forebay/ main pool/ outlet structure/ emergency spillway), permanent sediment depth marker with detail, plantings (if utilized for water quality control), emergency overflow spillway with elevations, etc., shall also be provided in the blow-up section and on the drawings.
13. The design of the proposed retaining wall shall be included with the drawings.
14. Profiles for all existing and proposed drainage piping and the upgraded/ modified stormwater basin shall be provided on the drawings.
15. The New York State Department of Environmental Conservation's number for the Sparkill Creek, as well as its classification, shall be given on the plan.

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- 16.** A post construction stormwater maintenance agreement, in accordance with NYSDEC Phase II regulations, for the proposed stormwater systems (catch basins, oil/ water separators, piping, detention basin, etc.), shall be submitted to DEME and the Orangetown Town Attorney's Office for review and approval. Said agreement shall include a maintenance and management schedule, inspection checklist, contact person with a telephone number, yearly report to be submitted to DEME, etc.
- 17.** The soil erosion and sediment control plans and details are under review by DEME. However, a construction entrance shall be added to the Site Plan/ SESC plan to access the detention basin.
- 18.** The previous supplied drawings had a detail for the proposed stone retaining wall, along Mountainview Avenue at the entrance to the site. This detail was remove. The detail shall be placed back on the drawings.
- 19.** The reference source benchmark (FEMA mon. 230 – note #5, drawing #1) shall be shown on the plans.
- 20.** All existing and proposed easements and dedications shall be shown on the plan, including page and liber or instrument number, intent/ purpose and ownership.
- 21.** 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.
- 22. Drainage Consultant Recommendation- Brooker Engineering**
The application has provided sufficient information that demonstrates that potential significant adverse impacts with respect to drainage will be mitigated by modifying the existing basin. The Drainage Consultant recommends that the BCH Site Plan be approved for drainage subject to the following comments.

Project Description

This is the third drainage review report for this project; the last review was dated January 16, 2019. The property is located at the south side of Mountainview Avenue, approximately 330 feet west of Route 303. There is an existing commercial building in the front of the site. The outdoor storage area previously proposed has been removed from the application. The application currently proposes an expansion of the parking areas in the front and west wide of the building, resulting in an increase of approximately 0.34 acres of new impervious area. Increases in stormwater runoff from the new impervious surface will be directed to the existing stormwater maintenance facility, which will be enlarged as part of the application.

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Town of Orangetown Planning Board Decision
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Continuation of Condition #22...

Portions of the Sparkill Creek floodplain are located on the east side of the parcel. No work is proposed in the floodplain or area regulated by the Rockland County Drainage Agency.

Project Comments

1. Maintenance schedule and responsibilities of the stormwater management basin shall be clearly stated on the site plans.
2. The spillway weir at elevation 80.49 has an unobstructed depth of 18 inches; the weir calculations shall be adjusted to include the obstruction.
3. Provide a section through the pond with side slopes, outlet structure, and 100-year floodplain.
4. Provide a detail of the emergency overflow weir.

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

- A review must be completed by the Rockland County Drainage Agency, and any required permits obtained.
- A review must be completed by the Rockland County Department of Health, any comments or concerns addressed, and any required permits obtained
- A lighting plan shall demonstrate that the intensity of the candle lumens is less than 0.1 at the property line, specifically along the northwestern edge of the site.
- Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed professional engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed professional engineer.
- Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points

24. The Rockland County Department of Health (RCDOH), Environmental Health Program reviewed the submission provided the following comments:

- The applicant is to contact RCDOH to discuss what, if any amendments to the existing food permit for the restaurant is required. Jeanne Longo can be reached at 845-364-2601.
- Should the Board require amendments/ additions to the existing stormwater management system to remediate the increase in impervious coverage, application is to be made to the Rockland County Department of Health for review of the Stormwater Management system for compliance with the County Mosquito Code.

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**Town of Orangetown Planning Board Decision
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25. 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.

26. The Town of Orangetown Rockland County Department of Health (RCDOH), Environmental Health Program reviewed the submission provided the following comment:

- Locations of the fire lanes will include all paved areas other than approved parking spaces shown on the site plan and will be striped and signed per NYS Fire and Town fire Code.

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

- Rockland County Sewer District No. 1
- Rockland County Department of Health
- Rockland County Department of Planning
- Town of Orangetown Zoning Board of Appeals

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

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

30. 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. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Subdivision Plan Approval pursuant to Town Code §21A and §6A.

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

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**Town of Orangetown Planning Board Decision
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Continuation of Condition #31...

- One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of $\frac{3}{4}$ inch of plywood or boards, or equal over the area to be protected.The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.
- 32.** All landscaping shown on the subdivision plan shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.
- 33.** 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.
- 34.** The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.

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Town of Orangetown Planning Board Decision
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35. 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).
36. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
37. 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
38. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

The foregoing Resolution was made and moved by Stephen Sweeney and seconded by Michael Mandel and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Robert Dell, aye; Michael McCroy, aye; Andrew Andrews, aye; Bruce Bond, abstain 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 27, 2020
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown Planning Board



attachment

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

BCH Realty, Site Plan
Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision
May 27, 2020

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: BCH Realty, LLC Site Plan

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

DESCRIPTION OF ACTION: Preliminary Site Plan Subject to Conditions/ Neg. Dec.

LOCATION: The site is located at 20 Mountainview Avenue, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 27, in the LI & CC zoning districts.

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 development. 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, NYSDEG, 13 Town Supervisor, Applicant - Involved Agencies

82:11 V 81 NOV 0202

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**PB #20-17: Lane Re-Subdivision
Final Re-Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

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**TO: Edmund Lane, 75 Michael Roberts Court, Pearl River,
New York 10965**
FROM: Orangetown Planning Board

RE: Lane Re-Subdivision Plan: The application of Edmund Lane, applicant, for James Beni, owner for Preliminary/ Preliminary/ Final Re-Subdivision Plan Review at a site to be known as “**Lane Re-Subdivision Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 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 125 Park Avenue, Palisades, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map: Section 77.20, Block 2, Lots 76, 77 & 78; in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 27, 2020 – Virtual Meeting**, the Board made the following determinations:

Stu Straw 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, RA, AIA, Director, dated May 18, 2020.
2. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., April 3, 2020.
3. A letter from Maser Consulting, signed by Jessie Cokely, P.E., dated May 20, 2020.
4. A letter from Rockland County Department of Planning, signed by Arlene Miller, Principal Planner, dated March 16, 2020.
5. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated March 31, 2020.
6. A letter from the New York State Department of Environmental Conservation, signed by Christina Pacella, Division Environmental Permits, Region 3, dated March 12, 2020.
7. A copy of a letter from Peter D. Torgersen, Environmental Sciences to Ed Lane, dated December 20, 2019.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chair, dated March 4, 2020.
9. A letter from Suez, signed by Bill Prehoda, dated March 9, 2020.
10. A letter from Rockland Department of Highway, signed by Dyan Rajasingham dated March 3, 2020.
11. A project narrative submitted by Donald Brenner, P.E., LL.B, dated January 31, 2020.

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Final Re-Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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12. Subdivision Plan prepared by Centerpoint Engineering, dated January 8, 2020, last revised April 20, 2020:
 - Plot Plan
 - Construction Details
13. Re-Subdivision Plan prepared by Jay Greenwell, PLS, dated January 20, 2020
14. A Short Environmental Assessment Form.
15. A Drainage analysis prepared by Stuart Strow, P.E., Centerpoint Engineering, dated February 24, 2020.
16. A copy of the prior referral letters attempting to merge the lots; PB#00-175.
17. A letter from Helena Power & Terry Foxe, 152 Park Avenue, Palisades, New York, dated May 22, 2020.
18. A letter from Shelley Lennox, 156 Park Avenue, Palisades, New York, dated May 25, 2020.
19. An email from Terence Foxe, 152 Park Avenue, Palisades, New York, dated May 26, 2020.
20. A letter from Eileen Burge and Doris Burge, dated May 26, 2020.

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

Helena Power, 152 Park Avenue, Palisades; raised concerns regarding construction in the wetlands and the Nationwide Permit. She wanted to know why the neighborhood was not noticed for the permit. Ms Power also expressed concern regarding the shape of the proposed driveway on an undedicated Town road.

James Beni, owner of the property, stated that he merged lots 33 years ago and he received major pushback from the neighborhood. The drainage was an issue but not a problem that could not be overcome. The development of the proposed site will improve the area drainage and will be an asset to the area. In addition, he noted that anyone who built a house on Park Avenue had to take trees down. Mr. Beni also noted that about 20 years ago, he had a buyer for the property; however, the lot merger was too complicated for the buyer and lost the deal.

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

301990 S.KR370 NM01

82 :11 V 81 MM 0202

MM0130NV90 JD NM01

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On motion by Stephen Sweeney and seconded by Thomas Warren and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Bruce Bond, abstain; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, aye, and Mike 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, the applicant's professional representatives, namely Centerpoint Engineering 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: Rockland County Sewer District No. 1, Town of Orangetown Zoning Board of Appeals, New York State Department of Environmental Conservation, and having reviewed a proposed Subdivision plan by prepared by Centerpoint Engineering and Jay Greenwell, PLS 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;

3E1JF0 S,KR373 NMO1

82:11 V 81 MF 0702

NMO13GNVRO JO NMO1

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- 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 Stephen Sweeney and seconded by Thomas Warren and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Bruce Bond, abstain; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, aye, and Mike McCrory, nay, 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 Re-Subdivision Plan Approval Subject to the Following Conditions:**

1. The following note shall be placed on the subdivision plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. This approval is only for the merging of three tax lots. There is no approval for the road or house footprint, noted on the Re-subdivision plan. Place this as a note on the Re-subdivision Plan.
4. The applicant shall reappear at the Planning Board for Site Plan Development at the time it is proposed for a specific dwelling plan, under Site Plan Review. At that time, the Site and Landscaping Plans shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.

301130 S.KR370 MM01

82:11 V 81 M07 0202

MM0130NV00 JO MM01

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5. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained and the Final site Plan is stamped by the Chief Clerk to the Board.
6. The Short Environmental Assessment Form submitted is not signed and dated. The applicant must submit a signed/dated copy and item number 14 must be revised to indicate "Suburban."
7. The applicant must comply with regulations of the Nationwide Permit for work in the Federal designated wetlands.
8. No filling of the wetlands on the site until the Site Plan returns to the Planning Board for Site Plan review, including the cutting down of any trees on the site.
9. The drainage calculations are currently under review by DEME.
10. The applicant shall contact the Orangetown Highway Department and obtain written permission for the non-standard driveway in Park Avenue and the small portion of parking area in Park Avenue.
11. The proposed sanitary house connection shall be relocated to "tie" into the existing sanitary main on Park Avenue, just north of the manhole in the intersection. This is necessary due to the 8-inch gravity main, along the state line in New Jersey, being at capacity. Pump, force main and connection details shall be added to the drawings.
12. A post construction stormwater maintenance "agreement" for the proposed stormwater system shall be submitted to DEME and the Town Attorney's Office for review and approval. This agreement/ requirement shall be added as addenda (or equivalent) to the deed for this lot. Proof that this agreement is made part of the deed will be submitted to the Town Attorney's Office and DEME. Said agreement shall include a maintenance and management schedule, inspection checklist, contact person with telephone number, yearly report to be performed, saved by the property owner and available for inspection and review by DEME, upon request.
13. The source benchmark for the referenced datum shall be added to the drawings.
14. **Drainage Consultant Recommendation- Maser Consulting**
The proposed stormwater management plan meets the intent of the regulations, and therefore the Drainage Consultant recommends the Lane Re-subdivision plan (Lot Merger) be approved for drainage subject to the following comments. Please note that upon submission of revised documents, further stormwater review and comment may be provided.

CEJFFJO S.MR373 MM01

82 :11 V 81 MPT 0202

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**PB #20-17: Lane Re-Subdivision
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Continuation of Condition #14...

Please note this review is of the existing and proposed drainage only and as such, below is a list of comments with respect to the drainage design ONLY:

1. The woods on site are being assumed as the "poor" condition as it relates to the curve number. From available online aerial imagery, it appears the woods are in "good" condition. Treating this area as "poor" results in overestimating the existing stormwater runoff at the design point. The drainage calculations shall be revised to assume "good" condition, or evidence shall be provided that the existing wooded area is of "poor" condition.
2. The proposed Drainage Area Map in the Drainage Analysis is labeled as "Existing Conditions." This shall be revised for clarity purposes.
3. There are still a few discrepancies between the Plot Plan, Construction Details, and Drainage Analysis:
 - a. The elevation of the 6" wide weir on the Outlet Structure Detail (on both the section detail and the check wall detail) does not match the Plot Plan/Drainage Analysis.
 - b. The 6" wide weir and the 4' wide overflow weir are still being modeled as sharp crested rectangular weirs, but the check wall shown in the detail would act as a broad-crested rectangular weir. This discrepancy shall be corrected.
 - c. The Underground Pipe Detention System Detail does not match the Plot Plan/Drainage Analysis regarding pipe size and invert elevation. This detail shall be revised to match the Plot Plan/Drainage Analysis.
 - d. On the Plot Plan, the proposed structure in the driveway is labeled as a catch basin, but the detail provided is for a 2' x 2' yard inlet. Either structure is acceptable, but the plan and detail shall match.
4. There are a few issues on the Plot Plan regarding adequate cover:
 - a. The proposed 41 contour crosses over the subsurface detention system at the northwest corner of the system. There is concern that adequate cover is not provided over this corner of the system. Please revise as necessary.
 - b. There is only approximately 0.63 feet of cover provided over the proposed 8" pipe at the location of the proposed catch basin. This pipe shall be lowered, if possible, to allow for adequate cover.

CEJLFFJO S,KR379 NAO1

82:11 V 81 NPT 0202

NAO13GNVAD JO NAO1

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**Town of Orangetown Planning Board Decision
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Continuation of Condition #14...

5. The stabilized construction entrance is still located in front of the adjacent property's driveway. This shall be shifted to the south so that it is not directly in front of the adjacent property's driveway.

6. The standard Town of Orangetown Stormwater Maintenance Agreement shall be executed by the owner with the Town of Orangetown prior to construction. Please note that upon submission of revised documents, further stormwater review and comment may be provided. The above comments represent the Maser Consulting, the Planning Board Drainage Consultant, professional opinion and judgment, but may not necessarily, in all cases, reflect the opinion of the Planning Board.

Overall, the proposed stormwater management plan meets the intent of the regulations, and therefore Maser Consulting recommends the Lane Resubdivision – Lot Merger be approved for drainage subject to the above project comments.

15. 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.

16. The New York State Department of Environmental Conservation (NYSDEC) indicated that based upon its review of the circulated documents, NYSDEC offered the following comments:

- **Protection of Waters:** There are no waterbodies that appear on the regulatory maps within the property you identified. Therefore, if there is a stream or pond outlet present at the site with year-round flow, it assures the classification of the water course into which it feeds, and a Protection of Water permit would be required. If there is a stream or pond outlet present at the site that runs intermittently (seasonally), it is not protected, and a Protection of Waters permit is not required. If a permit is not required, please note, however, you are still responsible for ensuring that work shall not pollute any stream or water body. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.

- **Freshwater Wetlands:** This project site is not within a New York State protected Freshwater Wetlands.

301440 S,RR373 NM01

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NM0139NR00 JO NM01

**PB #20-17: Lane Re-Subdivision
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Continuation of Condition #16...

- **Water Quality Certification:** This project appears to contain a federally regulated wetland area. If the United States Army Corps of Engineers requires a permit for work completed in or impacting a federal wetland or waters of the United States, you will need a Section 401 Water Quality Certification from the Department. Contact ACOE at 917-790-8411.
- **State – Listed Species:** The NYSDEC has reviewed the State's Natural Heritage records. No records of sensitive resources were identified by this review. The absence of data does not necessarily mean that rare or state listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, NYSDEC files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. NYSDEC cannot provide a definitive statement on the presence or absence of all rare or state listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information on site surveys or other sources may be required to fully assess impacts on biological resources.
- **Cultural Resources:** DEC has reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources. The project sponsor should submit project materials to the New York State Office of Historic Preservation website at nysparks.com/shop/online-tools.
- Other permits from DEC or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and therefore, the applicant should verify the need for permits if the project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year.

011110 S.KR373 NAO1

82:11 V 81 MAR 0202

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**PB #20-17: Lane Re-Subdivision
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17. The applicant's consultant has submitted the Lane Re-subdivision to the United States Army Corp of Engineers (USACOE) as a Pre-Construction Notification for the proposed filling of 1/10 an acre of jurisdictional wetlands as allowed under the Nationwide Permit #29 for Residential Development. The application was dated October 4, 2019. Item #27, Pre-Construction Notification, Page 111194 in the Federal Register, vol. 72 states in part that – the prospective permittee shall not begin the activity until (1) notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or (2) if 45 days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. In the case of the Lane Resubdivision, the PCN was delivered to the USACOE on or around October 10, 2019. The 45 day time period for any written response would have been finished on November 23, 2019 at which time the Nationwide Permit #29 was granted according to regulations cited above, and no further applications required to proceed with the work described to occur in the wetlands. Under the terms of the Nationwide Permit, the applicant is now required to notify the USACOE when the activity in the wetland has been completed. Pre-Construction Notification approvals are good for 2 calendar years.

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

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

19. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plats prior to signing the final plans.

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

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

301130 S.KR373 NM01

62:11 V 81 MR 0702

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**PB #20-17: Lane Re-Subdivision
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22. TREE PROTECTION: The following note shall be placed on the Subdivision Plan: The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to 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 walled 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 subdivision plan shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

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.

311510 S.KR3710 NMO1
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NMO13GNVAV0 JO NMO1

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25. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
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 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; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, aye, and Mike McCroy, nay.

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 27, 2020

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



CEJFFJD S,KR373 NMO1
b2 :11 V 81 MJP 0702
NMO13GNVX0 JO NMO1

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

PB #20-17: Lane Re-Subdivision
Final Re-Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision
May 27, 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: PB #20-17: Lane Re-Subdivision
Final Re-Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

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

DESCRIPTION OF ACTION: Re-Subdivision Plan Review (lot merger)

LOCATION: The site is located at 125 Park Avenue, Palisades, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map: Section 77.20, Block 2, Lots 76, 77 & 78; in the R-15 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, Town Supervisor, Applicant, Involved Agencies

05:11 V 81 MR 0202

MM0130NVR0 JO MM01

Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.

Town of Orangetown Planning Board Decision

May 27, 2020 – Virtual Meeting
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TO: Jay Greenwell, 85 Lafayette Avenue, Suffern, New York
FROM: Orangetown Planning Board

RE: **Orange Bank & Trust Site Plan:** The application of Lale Realty, owner, for a Prepreliminary/ Preliminary/ Final Site Plan Review at a site to be known as “**Orange Bank & Trust 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 374 South Middletown Road, Nanuet, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 64.17, Block 1, Lot 78; in the CO2 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **May 27, 2020**, at which time the Board made the following determinations:

Jay Greenwell, Joseph Thompson and Brian Quinn 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 19, 2020.
2. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated April 3, 2020.
3. Letters from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated March 19, 2020 and Michael Kezner, dated February 27, 2020.
4. Letters from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated March 9 & 10, 2020.
5. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated March 31, 2020.
6. A Project Narrative prepared by Jay Greenwell, PLS, dated February 12, 2020.
7. A Short Environmental Assessment Form signed by Mary Miele, Lale Realty, LLC, December 23, 2019.
8. Building Permit Referral to the Planning Board dated December 11, 2019 prepared by Rick Oliver, Building Inspector.

301140 S.AR373 NMA01

03:11 V 81 MAR 0202

NMA013GNVRO JO NMA01

**Town of Orangetown Planning Board Decision
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9. Architectural plans prepared by Degraw & Dehaan, dated January 16, 2019, last revised January 7, 2020:
- T0.01: Title Sheet
 - A1.01: New Architectural Plan
 - AD2.01: Existing/Demolition Front and Side Elevations
 - A5.02: New Signage
 - A2.01: New Front and Side Elevations
10. Site Plans prepared by Jay Greenwell, PLS last revised December 27, 2019:
- Existing Conditions, dated November 7, 2019
 - Site Plan dated November 13, 2019
11. Plans prepared by Fellenzer Engineering:
- C-101: Landscaping Plan
 - C0601: Site Lighting Plan

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

There being no one from the Public, a motion was made to close the Public Hearing portion of the meeting by Michael Mandel and second by Stephen Sweeney and carried as follows: Thomas Warren - Chairman, 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 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.

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**Town of Orangetown Planning Board Decision
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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, 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: Rockland County Department of Highway, Rockland County Department of Planning, Rockland County Sewer District #1 and Town of Clarkstown and having reviewed the drawings presented by the applicant's professional consultant; Jay Greenwell, PLS, 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.

OFFICE CLERK'S NO.1

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NO.1 TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
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On motion by Michael Mandel and second by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Michael McCroy, 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 **Preliminary Site Plan Approval Subject to the Following Conditions:**

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. 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.

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4. The applicant is proposing to renovate an existing structure for a new bank and remove the existing pylon sign and install a new monument sign.
 - 1) Per Chapter 43, table 3.11, CO District, Column 5, Number 6, total sign area shall not exceed 12 square feet. Proposed monument sign is 26.81 square feet and proposed facade signage is 21 square feet. Applicant must obtain approval from the Town of Orangetown Zoning Board of Appeals.
 - 2) A crosswalk shall be added to the plan to define access from the handicap parking spots to the building and a sign added, "Stop for pedestrians".
 - 3) Review and approval for the Site Plan, signs and building renovation is reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
 - 4) The Short Environmental Assessment Form appears to be in order.
 - 5) The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained and the Final Site Plan is stamped by the Chief Clerk to the Board.
 5. Drainage facilities shall be installed at the driveway entrance and exit (e.g. trench drains). The drainage facilities shall be connected drywells at both driveways, due to the fact that there are no drainage facilities along North Middletown Road.
 6. Perc tests and determination of groundwater elevation shall be performed at the drywell locations. These tests / investigations shall be performed **PRIOR** to this proposal receiving **Final Approval** and the information/ test results/ elevations shall be added to the drainage calculation. Copies of all correspondence related to this issue shall be submitted to DEME.
 7. The entrance and exit driveway openings are too wide. The shall be reduced in size to be 20 feet wide maximum along North Middletown Road.
 8. Soil erosion and sediment control (SESSC) plans and details shall be submitted to DEME for review and approval.

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**Town of Orangetown Planning Board Decision
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9. The total area of disturbance shall be listed in the required SESC Plan.
10. Typical details shall be added to the plan (e.g. Belgian Block Curb, pavement, etc.)
11. Rockland County Department of Planning had the following comments, which are incorporated herein as conditions of approval:
 - The applicant must comply with the comments made by the Rockland County Highway Department in its letter of March 9, 2020.
 - A review must be completed by the County of Rockland Department of Health, any comments or concerns addressed, and any required permits obtained.
 - A crosswalk shall be provided from the handicapped parking spaces to provide safe access to the building for pedestrians.
 - Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help 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 use by customers.
 - The lighting plan must demonstrate that the intensity of the candle lumens is less than 1.0 at the property line, especially along the western edge of the site.
 - All signage must conform to all Town requirements.
12. 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.
13. The Town of Clarkstown Planning Board reviewed the submission and deemed the mater for local determination.
14. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
 - Rockland County Sewer District #1
15. 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.
16. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.

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17. 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.

18. 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.

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

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20. 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.

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

22. 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).

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

24. 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

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

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

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

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Dated: May 27, 2020

Cheryl Coopersmith



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Chief Clerk Boards and Commissions

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Town of Orangetown Planning Board

Attachment

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

PB #20-18: Orange Bank & Trust

Permit #49629

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

**Town of Orangetown Planning Board Decision
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This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.
The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

**NAME OF ACTION: Orange Bank & Trust: 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 374 South Middletown Road, Nanuet, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section64.17, Block 1, Lot 78; in the CO zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

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