

**Meeting of February 13, 2019
Town of Orangetown Planning Board**

MEMBERS PRESENT: William Young, Vice-Chairman; Stephen Sweeney, Blythe Yost, Robert Dell, Michael Mandel and Bruce Bond, alternate

MEMBERS ABSENT: Thomas Warren, Chairman,

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

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

288/290 South Boulevard Site Plan	PB #19-04
Critical Environmental Area	Final Site Plan Approval
Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review	Subject to Conditions
290 South Boulevard, Upper Grandview	Neg. Dec.
71.05/1/24; R-22 zoning district	

Dean Custom Awning Plans	PB #19-07
Final Conditional Use Permit/ Site Plan Review	Conditional Use Permit
529 Route 303, Orangeburg	Granted and Final Site
70.19/1/40; LIO zoning district	Plan Approval Subject
	to Conditions

Madira Framing Corp. Plan	PB #19-08
Rochris Subdivision	Continued by Applicant:
Prepreliminary/ Preliminary/ Final Review and SEQRA Review	Revise Plan
Realignment of Conservation Easement Line	
226 South Greenbush Road, Orangeburg	
70.19/1/26.4; R-15 zoning district	

Schneider Minor Subdivision Plan	PB #19-09
Prepreliminary/ Preliminary Subdivision Plan and SEQRA Review	Preliminary Subdivision
Tappan Historic Area	Plan Approval Subject to
40 Van Wardt Plan, Tappan	Conditions/ Neg. Dec.
77.15/1/72; R-15 zoning district	

Fairfield Inn at Orangeburg Commons Site Plan	PB #19-10
Prepreliminary/ Preliminary/ Final Amendment to Approved Site Plan and SEQRA Review	Amendment to the
5 Greenbush Road, Orangeburg	Final Approved Site Plan
74.15/1/21 & 22; LI zoning district	Subject to Conditions
	Reaffirmation of Neg. Dec.

TOWN CLERK'S OFFICE
2019 MAR 14 P 1:31
TOWN OF ORANGETOWN

Meeting of February 13, 2019

Midtown Holding/Keystone Construction

PB #19-11

Conditional Use Permit

Postponed by

Prepreliminary/ Preliminary/ Final
and SEQRA Review

Applicant

11 Highview Avenue, Orangeburg
74.11/1/24; LIO zoning district

Other Business: Town Board Referral to the Planning Board: Proposed Local Law: Amendment to Chapter 24 and 26 of the Town Code entitled "Lots, Municipal" and "Parking Meters"

The Planning Board reviewed the proposed Local Law Amendment and had no comment.

The decisions of the January 23, 2019 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Bruce Bond and second by Michael Mandel and carried as follows: Thomas Warren - Chairman, absent; William Young- Vice Chairman, aye; Michael Mandel, aye; Blythe Yost, aye; Robert Dell, aye; Stephen Sweeney, aye and Bruce Bond, aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Michael Mandel and second by Robert Dell and agreed to by all in attendance. The meeting was adjourned at 10:00 p.m. The next Planning Board meeting is scheduled for February 27, 2019.

DATED: February 13, 2019



Cheryl Coopersmith, Chief Clerk Boards and Commissions

TOWN CLERK'S OFFICE

2019 MAR 14 P 1:31

TOWN OF ORANGETOWN

**PB #19-04: 288/290 South Boulevard Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #48237

**February 13, 2019
Town of Orangetown Planning Board Decision
Page 1 of 8**

**TO: Gary Segal, 290 South Boulevard, Upper Grandview, New York
FROM: Orangetown Planning Board**

RE: 288- 290 South Boulevard Site Plan: The application of Gary Segal, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site to be known as “**288/290 South Boulevard Site Plan**” located in the Critical Environmental Area, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown 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 288 South Boulevard, Upper Grandview (Nyack), Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lot 24 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **January 23 and February 13, 2019** at which time the Board made the following determinations:

January 23, 2019

Gary Segal appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated January 16, 2019.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated January 22, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 18, 2019.
4. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated January 22, 2019.
5. Letters from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated December 28, 2018 and Joseph Arena, dated December 31, 2018.
6. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated January 16, 2019.
7. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated January 2, 2019.

TOWN CLERK'S OFFICE
MAR 14 P 1:31
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 2 of 8**

8. Plans prepared by Gary Segal, RA:
- A-1: Foundation & Key Plans, Zoning Tabulations, dated September 27, 2018
 - T-1: Survey Plan with Contour Lines, dated November 11, 2018
9. Land Survey prepared by Sparaco & Youngblood, PLLC, dated October 9, 2018.
10. A Short Environmental Assessment Form signed by Gary Segal, dated December 5, 2019.
11. Building Permit Referral to the Planning Board dated October 19, 2018 prepared by Rick Oliver, Building Inspector.
12. A Project Narrative prepared by Gary Segal dated December 5, 2018.

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

The applicant requested a CONTINUATION.

February 13, 2019

Gary Segal appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated February 6, 2019.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated February 8, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., February 13, 2019.
4. Plans prepared by Gary Segal, RA:
 - A-1: Foundation & Key Plans, Zoning Tabulations, dated September 27, 2018
 - A-1a: Driveway & Walk Way, Demo Plan and Area Calculation, dated November 12, 2018
 - A-2: Proposed Ground/ 1st Floor Plan, dated September 27, 2018
 - T-1: Survey Plan with Contour Lines, dated November 11, 2018
5. Land Survey prepared by Sparaco & Youngblood, PLLC, dated October 9, 2018.

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 and second by Bruce Bond and carried as follows: Thomas Warren - Chairman, absent; William Young- Vice Chairman, aye; Michael Mandel, aye; Blythe Yost, aye; Robert Dell, aye; Stephen Sweeney, aye, and Bruce Bond, aye.

TOWN CLERK'S OFFICE

MAR 14 P 1:31

TOWN OF ORANGETOWN

**PB #19-04: 288/290 South Boulevard Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #48237

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 3 of 8**

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, absent; William Young- Vice Chairman, aye; Michael Mandel, aye; Blythe Yost, aye; Robert Dell, aye; Stephen Sweeney, aye, and Bruce Bond, 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, Gary Segal, R.A., 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 Sewer District #1, and having reviewed the drawings presented by the applicant's professional consultant; Gary Segal, R.A., 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;

TOWN CLERK'S OFFICE
MAR 14 P 1:31
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 4 of 8**

- 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's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

TOWN CLERK'S OFFICE
MAR 14 P 1:32
TOWN OF ORANGETOWN

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. Drawing T-1 shall include dimensions and materials of the proposed work.
5. The applicant is advised that a full set of construction plans in compliance with the New York State Residential Code must be submitted to the Building Department for review prior to a Building Permit being issued.
6. The following items shall be completed on the Short Environmental Assessment Form:
 - a. Project Location
 - b. Item number 7
7. All of the proposed work shall be dimensioned on drawing A-1a or T-1.
8. The existing septic system or sanitary house connection location shall be shown on drawing T-1.
9. All ground cover types shall be clearly labeled on drawing T-1 (i.e. grass areas, planting beds, stone/slate walkways, etc.)
10. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - The comments in the December 28, 2018 letter from the Rockland County Highway Department must be met. All required permits must be obtained prior to any grading or clearing on the site.
 - A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
 - A review must be completed by the Palisades Interstate Park Commission and any raised issues addressed.

TOWN CLERK'S OFFICE

2019 MAR 14 P 1:32

TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 6 of 8**

11. A Rockland County Highway Department (RCHD) reviewed the information submitted and offered the following comments:

- Since the proposed development is expected to increase the impervious surface in the parcel, the applicant will have to make sure that the additional impervious area satisfies the drainage rule – “There shall be no net increase in the peak rate of discharge from the site at all design points.”
- A road work permit is required from the RCHD prior to starting any construction activities in the site.

12. 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.

13. 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 #1
- Rockland County Highway Department

14. 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.

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

16. 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.

TOWN CLERK'S OFFICE
FEB 13 2019
TOWN OF ORANGETOWN

**PB #19-04: 288/290 South Boulevard Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #48237

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 7 of 8**

Continuation of Condition #16...

- 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.

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. 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.

19. 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.

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

TOWN CLERK'S OFFICE
2019 MAR 14 P 1:32
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 8 of 8**

21. 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).

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

23. 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

24. 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, absent; William Young- Vice Chairman, aye; Michael Mandel, aye; Blythe Yost, aye; Robert Dell, aye; Stephen Sweeney, aye, and Bruce Bond, aye.

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

**Dated: February 13, 2019
Cheryl Coopersmith
Chief Clerk Boards and Commissions**
Attachment



TOWN CLERK'S OFFICE
2019 MAR 14 P 1:32
TOWN OF ORANGETOWN

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

**PB #19-04: 288/290 South Boulevard Plan
Critical Environmental Area
February 13, 2019
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #48237

Town of Orangetown Planning Board Decision

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: 288/290 South Boulevard Plan (Critical Environmental Area)
Final Site Plan Approval Subject to Conditions/Neg. Dec.**

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

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 288/290 South Boulevard, in the Critical Environmental Area, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lot 24 in the R-22 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

TOWN CLERK'S OFFICE
2019 MAR 14 PM 2:51
TOWN OF ORANGETOWN

**PB #19-07: Dean Awning Conditional Use Permit
Final Conditional Use Permit Subject to Conditions**

Permit #47418

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 1 of 5**

**TO: Charles Collinshaw, 529 Route 303, Orangeburg, New York
10962**
FROM: Orangetown Planning Board

RE: Dean Custom Awnings Conditional Use Permit: The application Dean Custom Awnings, applicant for 33 Twin Avenue Corporation, owner, for Final Conditional Use Permit Review, at a site known as "**Dean Custom Awnings Conditional Use Permit**", 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 529 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.19, Block 1, Lot 40 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, February 13, 2019** the Board made the following determinations:

Charles Collinshaw appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated February 6, 2019.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated February 8, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated February 7, 2019.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated February 8, 2019.
5. A letter from the Rockland County Highway Department, signed by Dyan Rajasingham, Engineer II dated January 8, 2019.
6. A letter from the Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated January 8, 2019.
7. Site Development Plan for Outdoor Storage, prepared by Jay Greenwell, PLS, dated July 2, 2018, last revision dated December 17, 2018.
8. Copies of ACABOR #18-58, Approved with Conditions, dated December 6, 2018, ZBA #18-66, Conformance to Performance Standards Approved, dated October 3, 2018 and PB #18-24, Preliminary Approval Subject to Conditions, dated June 27, 2018.
9. Copy of Town of Orangetown Town Code, Chapter 43, Article VIII. Conditional Use Standards, 8.1. General conditions and standards.

TOWN CLERK'S OFFICE
2019 MAR 14 P 1:32
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 2 of 5**

The Board reviewed the submitted plans. The hearing was then opened to the Public. There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Michael Mandel and second by Stephen Sweeney and carried as follows: Thomas Warren - Chairman; absent, William Young, Vice-Chairman, aye; Michael Mandel; aye, Stephen Sweeney; aye, Bruce Bond; aye, Robert Dell; aye and Blythe Yost; aye.

CONDITIONAL USE PERMIT

In view of the foregoing and the testimony before the Board, the application was **Granted a Conditional Use Permit** pursuant to Chapter 43, Section 8.1 of the Town of Orangetown Zoning Code. The Board made the following Findings and Comments:

- The proposed use, size and character is in harmony with the development in the district in which it is proposed to be situated and will not be detrimental to the zoning classification of such properties.
- The proposed location and size of the use, nature and intensity of operations involved, and the site layout in relation to access streets will not be hazardous to pedestrian or vehicular traffic.
- The proposed location of the use will not hinder or discourage development or use of adjacent land and buildings.
- The proposed use will not require additional public services or create fiscal burdens upon the Town of Orangetown greater than those which characterize uses permitted by right.

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

The Board Granted the Conditional Use Permit subject to the following additional 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".

TOWN OF ORANGETOWN
2019 MAR 14 P 1:32
TOWN CLERK'S OFFICE

**PB #19-07: Dean Awning Conditional Use Permit
Final Conditional Use Permit Subject to Conditions**

Permit #47418

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 3 of 5**

2. The applicant shall comply with all previous and applicable Board Decisions: ACABOR #18-58, Approved with Conditions, dated December 6, 2018, ZBA #18-66, Conformance to Performance Standards Approved, dated October 3, 2018 and PB #18-24, Preliminary Approval Subject to Conditions, dated June 27, 2018.

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. 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.

5. The Sparkill Creek shall be labeled as such on the Site Plan, with the NYSDEC stream number and classification.

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

- A review shall be completed by the New York State Department of Transportation, any concerns addressed, and all required permits obtained.
- As indicated in the June 6, 2018 letter from the County of Rockland Drainage Agency, the site is located within their jurisdiction, but since no land disturbance is proposed, no permit is required. However, if in the future any improvement or land disturbances are proposed, then a determination or permit from them will be required.

7. The Rockland County Highway Department has reviewed the plans and information and determined that the proposed action would have a de-minimis impact upon the County Highway System and poses no objection to the local determination unless major changes are proposed to the development in the future.

8. Rockland County Department of Health reviewed the submitted information and found there are no Rockland County Department of Health approvals needed for this application.

9. 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.

TOWN CLERK'S OFFICE
2019 MAR 14 P 1:32
TOWN OF ORANGETOWN

**PB #19-04: 288/290 South Boulevard Plan
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #48237

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 4 of 5**

- 10. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.**
- 11. 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.**
- 12. 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.**
- 13. 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.**
- 14. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.**
- 15. If the applicant, during the course of construction of any required public improvements or private sanitary or storm sewer improvements, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant (or the applicant's engineer) shall submit their recommendations as to the special treatment or design modification to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's (applicants' engineer's) recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's (applicants engineer's) disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Federal Wetlands - U.S. Army Corps of Engineers).**

TOWN CLERK'S OFFICE

MAR 14 P 1:32

TOWN OF ORANGETOWN

**PB #19-04: 288/290 South Boulevard Plan
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #48237

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 5 of 5**

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

17. 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

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

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

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

Dated: February 13, 2019

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

TOWN OF ORANGETOWN
2019 MAR 14 P 1:32
TOWN CLERK'S OFFICE

**PB #19-09: Schneider Minor Subdivision Plan
Preliminary Subdivision Plan Approval
Subject to Conditions
Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 1 of 12**

**TO: William Brodsky, 350 Boxberger Road, Valley Cottage,
New York, 10984
FROM: Orangetown Planning Board**

RE: Schneider Minor Subdivision Plan: The application of Ryerson Farms, applicant for Audrey Schneider, owner, for Prepreliminary/ Preliminary Subdivision Plan at a site to be known as "**Schneider Minor Subdivision Plan**", in the Tappan Historic Area, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 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 40 Van Wardt Place, Tappan, Town of Orangetown, Rockland County, New York, in the Tappan Historic Area and as shown on the Orangetown Tax Map as Section 77.15, Block 1, Lot 72; in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, February 13, 2019**, at which time the Board made the following determinations:

William Brodsky and Jay Greenwell appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated February 6, 2019.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated February 8, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated February 8, 2019.
4. A letter from Maser Consulting, signed by Jesse Cokeley, P.E., dated February 5, 2019.
5. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated February 8, 2019.
6. A letter from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated January 16, 2019.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated February 7, 2019.
8. Letters from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated February 6, 2019.
9. An email from the Rockland County Drainage Agency, Shajan Thottakara, P.E., CFM, dated January 28, 2019.

TOWN CLERK'S OFFICE
MAR 14 11:32
TOWN OF ORANGETOWN

**PB #19-09: Schneider Minor Subdivision Plan
Preliminary Subdivision Plan Approval
Subject to Conditions
Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 2 of 12**

10. A letter from the Tappan Fire District, signed by Thomas Quinn, Chairman, Board of Fire Commissioners, dated February 9, 2019.
11. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated January 16, 2019.
12. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Safety Inspector dated January 29, 2019.
13. Project Narrative prepared by the applicant.
14. A Short Environmental Assessment Form, signed by William Brodsky, dated December 10, 2018.
15. Hydraulic Analysis and Stormwater Design Calculations, prepared for Schneider, prepared by Paul Gdanski, P.E., dated January 5, 2019
16. Subdivision Plan prepared by Jay Greenwell, PLS:
 - Sheet 1: Subdivision of Property for Schneider, dated November 29, 2018
 - Sheet 2: Grading, Drainage & Utility Plan with Erosion Control for Schneider, dated November 29, 2018, last revised January 2, 2019
 - Sheet 3: Details for Schneider,
17. An email from David and Catherine Booth, 22 Van Wardt Place, Tappan, received February 10, 2019.

The hearing was then opened to the Public.

Public Comment:

Ray Neary, 51 Van Wardt Place, Tappan; raised concerns regarding the development of the site and the impact on his property. He wanted the Board to clarify the number of proposed lots, and if only one house would be constructed. Mr. Neary requested information regarding the timing of construction.

Michael Machado, 33 Van Wardt Place, Tappan; noted that Van Wardt Place is in the flood zone and when it rains, water lingers for weeks. He held that the water coming from the site will impact his lot and asked that every step in the construction process be taken to mitigate the flooding. Mr. Machado requested that the applicant file a No Further Subdivision Agreement, so that no additional development can occur. He discussed a lawsuit the property owner had regarding ownership of the roadway. Additionally, he requested that the applicant plant bushes around the entire lot that are deer resistant.

David Booth, 22 Van Wardt Place, Tappan; raised concerns regarding drainage on Van Wardt Plan, referring to his submitted email to the Board.

TOWN OF ORANGETOWN
2019 MAR 14 P 1:32
TOWN CLERK'S OFFICE

**PB #19-09: Schneider Minor Subdivision Plan
Preliminary Subdivision Plan Approval
Subject to Conditions
Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 3 of 12**

Carol Dolan, 5 Van Wardt Place, Tappan; noted that the roadway is very narrow and that the Town Highway Department trucks turn around in the road; the Board needs to be concerned about traffic safety.

Chet Cunningham, 59 Main Street, Tappan; expressed concerns regarding the noise level and construction schedule of the proposed construction.

There being no one else to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Bruce Bond and second by Stephen Sweeney and carried as follows: Thomas Warren, Chairman, absent; William Young, Vice Chairman, aye; Michael Mandel, aye; Robert Dell, aye; Stephen Sweeney, aye; Blythe Yost, aye, and Bruce Bond, 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 Bruce Bond and second by Stephen Sweeney and carried as follows: Thomas Warren, Chairman, absent; William Young, Vice Chairman, aye; Michael Mandel, aye; Robert Dell, aye; Stephen Sweeney, aye; Blythe Yost, aye, and Bruce Bond, 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 Health, Rockland County Highway Department, Rockland County

TOWN CLERK'S OFFICE
2019 MAR 14 P 1:32
TOWN OF ORANGETOWN

**PB #19-09: Schneider Minor Subdivision Plan
Preliminary Subdivision Plan Approval
Subject to Conditions
Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 4 of 12**

Drainage Agency, Rockland County Sewer District #1, and having reviewed the drawings presented by 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's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

On motion by Bruce Bond and second by Stephen Sweeney and carried as follows: Thomas Warren, Chairman, absent; William Young, Vice Chairman, aye; Michael Mandel, nay; Robert Dell, nay; Stephen Sweeney, aye; Blythe Yost, aye, and Bruce Bond, aye, the Board made a Negative Declaration pursuant to SEQRA.

TOWN OF ORANGETOWN
2019 MAR 14 P 1:32
TOWN CLERK'S OFFICE

**PB #19-09: Schneider Minor Subdivision Plan
Preliminary Subdivision Plan Approval
Subject to Conditions
Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 5 of 12**

DECISION: In view of the foregoing and the testimony before the Board, the application was granted **Preliminary Subdivision 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. Test pits results must be submitted to OBZPAE in order for a permit to be issued.
4. The applicant is required to obtain approval from the Town of Orangetown Zoning Board of Appeals for the following variances:

<u>Variance</u>	<u>Required</u>	<u>Proposed</u>
Minimum Street Frontage	75 feet	35.44 feet
Minimum Front Yard	30 feet	20 feet
5. The applicant has not submitted proposed house plans for the new dwelling. Applicant is advised that a height variance may be required upon review of the proposed architectural house plans.
6. The Subdivision, Site and Landscaping Plans shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
7. The existing frame garage and canvas carport shall be removed prior to the Clerk to the Planning Board signing the Subdivision Plat.
8. The Drainage calculations supplied are currently under review by DEME. However, the calculations are only for one rain garden and two are shown. The calculations shall clearly demonstrate/ indicate whether the total required volume is being handled by one rain garden or is being split between the two gardens. The total storage volume for each rain garden shall be provided in the calculations and noted on the plans.

TOWN OF ORANGETOWN
2019 MAR 14 P 1:32
TOWN CLERK'S OFFICE

**PB #19-09: Schneider Minor Subdivision Plan
Preliminary Subdivision Plan Approval
Subject to Conditions
Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 6 of 12**

9. The drainage calculations call for a rain garden that is to be 1.5 feet deep, however, typical rain garden design usually calls for a 6 inch deep garden. This discrepancy shall be corrected and or explained in the calculations.

10. Soil borings, perc tests and determination of groundwater elevations shall be performed at the rain garden locations. These tests shall be performed **PRIOR** to this proposal receiving **Final Approval** to ensure the adequacy of the proposed design. This information shall be added to the drainage calculations. The tests shall be performed in the spring when the ground water table is typically at its highest. The applicant's engineer shall provide a copy of the field perc tests results to DEME and the Building Department for review and approval.

11. Due to the existing flooding that occurs on and around this site, post construction stormwater maintenance agreements for the proposed rain garden systems shall be submitted to DEME and the Town of Orangetown Town Attorney's Office for review and approval. Said agreements shall include a maintenance and management schedule, inspection check list, contact person with a telephone number, yearly report to be submitted to DEME, etc.

12. Due to the existing flooding condition in the area, the applicant shall consider reducing the amount of proposed impervious surface. **This shall be accomplished by "moving" the house on proposed Lot #1 north up to 10 feet, thereby reducing the amount of driveway surface needed.**

13. The proposed grading in and along the planting berm between lots 1 and 2 shall be shown on the plan. This may require providing a "Blow up" plan view of the area.

14. The applicant shall review the location of the proposed turn-around with the Town of Orangetown Highway Department, to ensure it is proper and most useful location.

15. The applicant shall contact the Town of Orangetown Highway Department to verify whether or not road improvements must be made to Van Wardt Place along (in front of) the proposed subdivision's eastern property line. This verification shall be codified in writing.

16. A profile for the proposed sanitary house connection shall be added to the drawings.

17. The proposed sanitary house connection is only 4 feet "off" of the location for the gas, electric, telephone and cable utilities. This is too close. The distance between the utilities and sanitary house connection shall be increased.

TOWN OF ORANGETOWN
MAR 14 P 1:32
TOWN CLERK'S OFFICE

**PB #19-09: Schneider Minor Subdivision Plan
Preliminary Subdivision Plan Approval
Subject to Conditions
Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 7 of 12**

18. The applicant shall re-assess the necessity of the proposed 10 foot wide drainage easement along the southern property line of Lot #2.

19. The soil erosion and sediment control plans and details are under review by DEME.

20. Drainage Review Recommendation

The Drainage Consultant to the Planning Board, Maser Consulting, offered the following; overall, the proposed stormwater management plan meets the intent of the regulations and therefore recommends that Schneider Minor Subdivision Plan be approved for drainage subject to the following Project Comments.

Project Comments:

1. Portions of the frontage of the property (\pm 1,200 SF according to the Subdivision Plan) are within the 100 Year Flood Plain. There is proposed grading and other work within these areas and cut/fill calculations shall be provided to ensure there will be zero net change in storage volume within the flood plain.
2. It appears the bulk regulations for Front, Side and Total Side Yards for provided Lot #1 and #2 are swapped.
3. Actual grading of the proposed 2' landscape berm between the two proposed lots shall be shown to accurately reflect the limit of disturbance.
4. The overall limit of disturbance shall be added to the plans.
5. The construction entrance proposed at the driveway entrance to Lot #1 is located within the flood plain. This shall either be relocated outside the limits of the flood plain or large enough stone need to be specified so that is can withstand the potential flooding.
6. What is the 'CI' abbreviation within the building footprint on Lot #1 stand for?
7. The outlet invert of the footing drain for the proposed dwelling on Lot #1 is at a higher elevation than the upstream cleanouts. Please clarify.
8. Please provide a detail for the check valve on the footing drain outlet for Lot #1.
9. Please provide elevation information for the roof drains that discharge to the proposed rain gardens. Will these be at grade?
10. Please provide soil testing information for the locations of the proposed rain gardens, more specifically depth to groundwater and infiltration rate to verify the "A" soil type included in the calculations.
11. Please provide a detail for dewatering as there is proposed utility trenching within the 100-year flood plain.

TOWN OF ORANGETOWN
2019 MAR 14 P 1:32
TOWN CLERK'S OFFICE

**PB #19-09: Schneider Minor Subdivision Plan
Preliminary Subdivision Plan Approval
Subject to Conditions
Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 8 of 12**

Continuation of Condition #20...

12. Please show on the grading drainage and utility plan which inlets will be fitted with drop inlet protection.
13. The storage calculations in the report account for 1.5 feet of ponding depth in each of the rain gardens. That does not match what is shown on the plans or details. Furthermore, the New York State Stormwater Management Design Manual states the maximum ponding depth in a Rain Garden is limited to 6 inches. Please revise the design accordingly.

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

1. The comments in the January 16, 2019 letter from Rockland County Highway Department must be met.
2. The comments in the January 28, 2019 letter from the Rockland County Drainage Agency must be met. All required permits must be obtained.
3. As required by the Rockland County Stream Control Act, the subdivision map must be reviewed and approved by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.
4. As indicated in the February 6, 2019 letter from the Rockland County Department of Health, application must be made to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.
5. 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.
6. There shall be no net increase in stormwater runoff from the site.
7. The designated 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. The bulk table measurements for the front yard, side yard and total side yards seem to be reversed. In addition, the narrative indicates that a variance will be required for rear yard, but the bulk table does not reflect such. The bulk table and narrative need to be amended to reflect the correct measurements/variance for each lot.
9. The Rockland County Department of Planning requests the opportunity to review any variances that may be requested from the Town of Orangetown Zoning Board of Appeals in order to implement the revised Site Plan, as required by New York State General Municipal Law, Section 239-m, (a)(v).

TOWN CLERK'S OFFICE
2019 MAR 14 P 1:32
TOWN OF ORANGETOWN

**PB #19-09: Schneider Minor Subdivision Plan
Preliminary Subdivision Plan Approval
Subject to Conditions
Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 9 of 12**

22. The Rockland County Department of Highways (RCHD) reviewed the plans and information and offered the following comments:

- The driveway access is located within the 100 year floodplain. A review from the Rockland County Drainage Agency is required.
- A drainage report is required for the proposed development. There shall be no net increase in the peak rate of discharge from the site at all design points.

23. The Rockland County Department of Health (RCDOH) reviewed the submission provided and found that application is to be made to the RCDOH for review of the system for compliance with the County Mosquito Code.

24. 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.

25. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is within the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is required for development within this site. Note that the Chairman of the RCDA before the County Clerk will accept same for filing. The applicant shall file an application for Subdivision Plat review and County Planning Certification Information Forms with supporting documentation to the RCDA. In addition, the following note must be added to the subdivision Mylar prior to review by RCDA:

“The site is located within the jurisdiction of the Rockland County Drainage Agency (RCDA) pursuant to the Rockland County Stream Control Act, Chapter 846. Any site improvements within the subdivided parcels will require a valid permit or a written determination that indicates a permit is not required from the RCDA, prior to the commencement of any work.”

26. The Tappan Fire District reviewed the submitted information and offered the following comments:

- Apparently, this proposed subdivision of residential property will have a driveway to be located along the north property line out to the public road. The fire district requires access to the new rear property lot that includes a minimum of 12 foot width driveway using specifications for commercial parking and a proper turnaround for fire engines. Modern engines weigh approximately 20 tons and are to 35' in length. The construction of any driveway being built to a rear property or flag lot shall be certified to handle that.

TOWN OF ORANGETOWN
2019 MAR 14 P 1:32
TOWN CLERK'S OFFICE

**PB #19-09: Schneider Minor Subdivision Plan
Preliminary Subdivision Plan Approval
Subject to Conditions
Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 10 of 12**

27. The Town of Orangetown Bureau of Fire Prevention reviewed the submitted information and offered the following comment:

- Where is the driveway for house #1?

28. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §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.

29. 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 Sewer District #1
- Rockland County Highway Department
- Rockland County Drainage Agency

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

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

32. 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:

TOWN CLERK'S OFFICE
2019 MAR 14 P 1:32
TOWN OF ORANGETOWN

**PB #19-09: Schneider Minor Subdivision Plan
Preliminary Subdivision Plan Approval
Subject to Conditions
Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 11 of 12**

Continuation of Condition #32...

- 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.

33. 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.

34. 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.

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

36. 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).

TOWN CLERK'S OFFICE

2019 MAR 14 P 1:32

TOWN OF ORANGETOWN

**PB #19-09: Schneider Minor Subdivision Plan
Preliminary Subdivision Plan Approval
Subject to Conditions
Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 12 of 12**

Continuation of Condition #36...

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

38. 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

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

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

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

**Dated: February 13, 2019
Cheryl Coopersmith
Town of Orangetown Planning Board**
Attachment



TOWN OF ORANGETOWN
2019 MAR 14 P 1:32
TOWN CLERK'S OFFICE

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

**PB #19-09: Schneider Minor Subdivision Plan
Preliminary Subdivision Plan Approval
Subject to Conditions
Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 13, 2019**

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: Schneider Minor Subdivision Plan
Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

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

DESCRIPTION OF ACTION: Subdivision Plan Review

LOCATION: The site is located at 40 Van Wardt Place, Tappan, Town of Orangetown, Rockland County, New York, in the Tappan Historic Area and as shown on the Orangetown Tax Map as Section 77.15, Block 1, Lot 72; 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's Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

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

For Further Information contact:

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

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

TOWN CLERK'S OFFICE
2019 MAR 14 11 35 AM
TOWN OF ORANGETOWN

**PB #19-10: Fairfield Inn at Orangeburg Commons
Amendment to Approved Site Plan for Marriott Site Plan
Final Site Plan Approval Subject to Conditions/
Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 1 of 13**

**TO: Noelle Wolfson, Hocherman, Tortorella & Wekstein,
1 North Broadway, Suite 701, White Plains, New York 10601**
FROM: Orangetown Planning Board

RE: Fairfield Inn at Orangeburg Commons Site Plan: The application of (FB Orangetown Retail, FB Orangetown Retail Three, FB Orangetown Retail Two, FB Orangetown Hotel, FB Orangetown Hotel Two FB Orangetown Hotel, FB Orangetown Hotel Two LLC, owner, and Thomas Graff, owners for Prepreliminary/ Preliminary/ Final Site Plan at a site to be known as “**Fairfield In at Orangeburg Commons, Amendment to Approved 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 5 Greenbush Road, Orangeburg, Town of Orangetown, Rockland County, New York, in the Tappan Historic Area and as shown on the Orangetown Tax Map as Section 74.15, Block 1, Lot 21 & 22; in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, February 13, 2019**, the Board made the following determinations:

Noelle Wolfson, Justin Lim, and Alfred Rossi appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated February 6, 2019.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated February 11, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated February 8, 2019.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated February 12, 2019.
5. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated February 13, 2019.
6. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated February 7, 2019.
7. Letters from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated February 6, 2019.

TOWN CLERK'S OFFICE
2019 MAR 14 P 1:33
TOWN OF ORANGETOWN

**PB #19-10: Fairfield Inn at Orangeburg Commons
Amendment to Approved Site Plan for Marriott Site Plan
Final Site Plan Approval Subject to Conditions/
Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 2 of 13**

8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated January 16, 2019.
9. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Safety Inspector dated January 30, 2019.
10. A letter from Hocherman Tortorella & Wekstein, LLP, signed by Noelle Wolfson dated December 27, 2018.
11. A copy of the Environmental Assessment Form, dated December 26, 2018, signed by Alfred Rossi, P.E..
12. Plans prepared by Leonard Jackson Associates:
 - Drawing 1: Title Sheet, dated Nov. 20, 2014, revised Dec. 27, 2018
 - Drawing 2: Overall Site Plan, dated Nov. 20, 2014, revised Dec. 27, 2018
 - Drawing 2A: Layout part plan, dated December 27, 2018
 - Drawing 3: Overall Grading, Drainage & Utility Plan, dated Nov. 20, 2014, revised Dec. 27, 2018
 - Drawing 3A: Grading, Drainage & Utility Plan "Part Plan" dated December 27, 2018
 - Drawing 4: Erosion Control Plan, dated December 27, 2018
 - Drawing 5: Landscaping Plan, dated February 1, 2014, revised Dec. 27, 2018
 - Drawing 6: Lighting Plan, dated February 1, 2014, revised Dec. 27, 2018
 - Drawing 7: Construction Details (1 of 4), dated Nov. 20, 2014 revised Dec. 27, 2018
 - Drawing 8: Construction Details (2 of 4), dated Nov. 20, 2014 revised Dec. 27, 2018
 - Drawing 9: Construction Details (3 of 4), dated Nov. 20, 2014 revised Dec. 27, 2018
 - Drawing 10: Typical Site Cap Sections, dated Nov. 20, 2014 revised Dec. 27, 2018
 - Drawing 11: Site Cap Plan, dated Nov. 20, 2014 revised Dec. 27, 2018
 - Drawing 12: Demolition Plan, dated Dec. 27, 2018
13. Existing Condition Survey prepared by Jay Greenwell, PLS, LLC, dated October 23, 2014, revised November 5, 2014:
 - Sheet 2 of 3: Existing Condition
 - Sheet 3 of 3: Existing Condition

TOWN CLERK'S OFFICE
2019 MAR 14 P 1:33
TOWN OF ORANGETOWN

**PB #19-10: Fairfield Inn at Orangeburg Commons
Amendment to Approved Site Plan for Marriott Site Plan
Final Site Plan Approval Subject to Conditions/
Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 3 of 13**

14. Architectural Plans prepared by Jal Architecture and Engineering, dated December 20, 2018:

- Exterior Renderings
- Exterior Elevations
- First Floor Plan
- Typical Upper Level

15. A letter from Leonard Jackson Associates, dated December 27, 2018, signed by Justin Lim, P.E., with attachment of two plans, entitled Impervious Area Calculations;

- Drawing 1 of 2: Orangeburg Commons
- Drawing 2 of 2: Fairfield Inn at Orangeburg Commons

16. Copies of the following Board Decision: PB #15-34, Amendment to Final Site Plan Approval Subject to Conditions, dated July 22, 2015.

The Board reviewed the plans and information submitted. The hearing was then opened to the Public. There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Bruce Bond and second by Stephen Sweeney and carried as follows: Thomas Warren - Chairman; absent, William Young, Vice-Chairman, aye; Michael Mandel; aye, Stephen Sweeney; aye, Bruce Bond; aye, Robert Dell; aye and Blythe Yost; aye.

NEGATIVE DECLARATION

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

TOWN CLERK'S OFFICE
2019 MAR 14 P 1:33
TOWN OF ORANGETOWN

**PB #19-10: Fairfield Inn at Orangeburg Commons
Amendment to Approved Site Plan for Marriott Site Plan
Final Site Plan Approval Subject to Conditions/
Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 4 of 13**

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 Leonard Jackson Associates and the Town of Orangetown's engineering consultant, Brooker Engineering, 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: Rockland County Department of Health, and the Town of Orangetown Zoning Board of Appeals, and having reviewed the proposed Site Plans by prepared by Leonard Jackson Associates, 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;

TOWN OF ORANGETOWN
2019 MAR 14 P 1:33
TOWN CLERK'S OFFICE

**PB #19-10: Fairfield Inn at Orangeburg Commons
Amendment to Approved Site Plan for Marriott Site Plan
Final Site Plan Approval Subject to Conditions/
Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 5 of 13**

- 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's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

On motion by Bruce Bond and seconded by Michael Mandel and carried as follows: Thomas Warren - Chairman; absent, William Young, Vice-Chairman, aye; Michael Mandel; aye, Stephen Sweeney; aye, Bruce Bond; aye, Robert Dell; aye and Blythe Yost; 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 Amendment 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. This information shall be noted on the Site Plan.

TOWN OF ORANGETOWN
2019 MAR 14 P 1:33
TOWN CLERK'S OFFICE

**PB #19-10: Fairfield Inn at Orangeburg Commons
Amendment to Approved Site Plan for Marriott Site Plan
Final Site Plan Approval Subject to Conditions/
Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 6 of 13**

4. The applicant shall comply with all applicable and previous Board Decisions including but not limited to the following Board decision: PB #15-34, Amendment to Final Site Plan Approval Subject to Conditions, dated July 22, 2015.
5. The application shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
6. The applicant is required to submit full architectural and engineering plans for the new building for review and approval prior to issuance of the building permit.
7. An as-built survey will be required to confirm compliance with all zoning requirements, including height.
8. The summary report, prepared by the applicant's engineer is under review by DEME.
9. A separate SWPPP addenda shall be prepared for the revised site plan. It shall include a narrative and summary page outlining all of the changes/ reductions and copies of the revised plans.

**10. Drainage Review – Brooker Engineering
Project Comments:**

The application has provided sufficient information to demonstrate that the existing stormwater management basin can mitigate against increase in peak stormwater runoff rates as a result of the project. Brooker Engineering therefore recommends that the Fairfield Inn at Orangeburg Commons Site Plan be approved for drainage subject to no conditions.

Project Description

This is the fifth drainage review report for this project; the last report was dated January 24, 2016, at which time Brooker Engineering approved the project for drainage with no conditions. The current application consists of the development of the pad along the southeastern corner of the property, which was originally designed for a Courtyard by Marriot hotel. The currently proposed Fairfield Inn maintains a slightly smaller foot print in the same location. There is a net reduction in impervious area of 3,708 square feet (from 42,064 SF to 38,356 SF.) The proposed storm drainage system near the building footprint remains the same and stormwater runoff is conveyed to the stormwater management basin constructed for the Orangeburg Commons site. The overall drainage pattern remains the same. Modifications to the outlet structure from the previously approved Site Plan and 10/20/2015 drainage report shall be installed.

TOWN OF ORANGETOWN
2019 MAR 14 P 1:33
TOWN CLERK'S OFFICE

**PB #19-10: Fairfield Inn at Orangeburg Commons
Amendment to Approved Site Plan for Marriott Site Plan
Final Site Plan Approval Subject to Conditions/
Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 7 of 13**

11. Rockland County Department of Planning had the following comment which is incorporated herein as a condition of approval:

- The comments in the February 6, 2019 letter from the Rockland County Department of Health must be met.
- All proposed signage must conform to all Town requirements.
- There shall be not net increase in the peak rate of discharge from the site at all design points.
- Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the use of parking spaces meant for the patrons and employees of the hotel.
- Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages, and County with an adequate supply of water. We understand that letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, has previously been issued to the municipality for this project, certify that there will be a sufficient water supply during peak demand periods and in a drought situation, and that there is no net change in the demand.
- If any public water supply improvements are required, engineering plans and specification for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply and engineer's report pursuant to the "Recommended Standards for Water Works, 2004 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.
- Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

TOWN CLERK'S OFFICE

2019 MAR 14 P 1:33

TOWN OF ORANGETOWN

**PB #19-10: Fairfield Inn at Orangeburg Commons
Amendment to Approved Site Plan for Marriott Site Plan
Final Site Plan Approval Subject to Conditions/
Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 8 of 13**

12. The Rockland County Health Department's (RCDOH) offered the following comments:

1. The RCDOH issued a conditional approval for the Sewer Disposal System for the project entitled "Shops at Orangeburg Commons" (same tax parcels) on September 17, 2015. The approval was conditional on a Sewage Works Corporation being formed. To date, this office has not received confirmation that this has been completed.

Place the following as a Note on the Site Plan:

2. Prior to RCDOH issuing a Certificate of Approval (C.A.) proof of the formation of the above mentioned corporation along with an Engineer's Certification, which is to include line and manhole testing results, is to be submitted to RCDOH along with an As-Built drawing of the sanitary sewer system. **The Town of Orangetown shall not release any Certificate of Occupancy for these properties until a C.A. has been released by RCDOH.**

13. 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.

14. The Town of Orangetown Bureau of Fire Prevention (Bureau) reviewed the information and offered the following comments:

- Install an NFPA 13 compliant sprinkler system and Standpipe system with drawings and cut sheets provided to the Bureau before work commences.
- Install and maintain an NFPA 72 compliant Fire Alarm System with drawings and cut sheets provided to the Bureau before work commences; connected to Rockland County 44-Control.
- Install Emergency lighting as per NEC.
- Maintain the sprinkler system according to NFPA 25.
- Install and maintain portable fire extinguishers as required by NFPA 10.
- Install Key Box location to be determined by the Bureau.
- Install amber and red exterior strobes as required by the Orangetown Code
- Show striping and signage for all No Parking/Fire Lanes on the final site plan. Show that Orangeburg Ladder truck can maneuver the entire site. Specs to be provided to the Bureau.
- Will there be a pool?
- Will the structure be built of wood, and how many floors.

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

- Rockland County Department of Health
- Rockland County Drainage Agency #1
- Town of Orangetown Zoning Board of Appeals

TOWN CLERK'S OFFICE
2019 MAR 14 P 1:33
TOWN OF ORANGETOWN

**PB #19-10: Fairfield Inn at Orangeburg Commons
Amendment to Approved Site Plan for Marriott Site Plan
Final Site Plan Approval Subject to Conditions/
Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 9 of 13**

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

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

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

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

20. 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.

21. 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.

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).

TOWN CLERK'S OFFICE
2019 MAR 14 P 1:33
TOWN OF ORANGETOWN

**PB #19-10: Fairfield Inn at Orangeburg Commons
Amendment to Approved Site Plan for Marriott Site Plan
Final Site Plan Approval Subject to Conditions/
Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 10 of 13**

23. 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.

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

25. 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

TOWN CLERK'S OFFICE
2019 MAR 14 P 1:33
TOWN OF ORANGETOWN

**PB #19-10: Fairfield Inn at Orangeburg Commons
Amendment to Approved Site Plan for Marriott Site Plan
Final Site Plan Approval Subject to Conditions/
Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 11 of 13**

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

Overrides

The Board made motions to override Conditions #1, #3 and #8 of the February 13, 2019 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

“1. A review must be completed by the New York State Department of Transportation and any required permits obtained.”

Support for Override: The Planning Board was advised that the application was referred to the New York State Department of Transportation (the “NYS DOT”), the NYS DOT was given more than 30 days to review and comment on the application, and it did not provide any substantive comments on the application. The application proposes minor modifications to the previously approved, 119-room second hotel in Orangeburg Commons. No work within a public right-of-way is proposed as a part of this application, and the Applicant’s traffic engineer, John Collins, Ph.D., P.E., advised that no permits from the NYS DOT will be required in connection with the construction of the Fairfield Inn since a second 119-room hotel was included in all previous application to the NYS DOT.

A motion to override the condition was made and moved by Michael Mandel and second by Bruce Bond and carried as follows: Thomas Warren - Chairman; absent, William Young, Vice-Chairman, aye; Michael Mandel; aye, Stephen Sweeney; aye, Bruce Bond; aye, Robert Dell; aye and Blythe Yost; aye.

“2. A review must be completed by the Palisades Interstate Park Commission and any raised comments or concerns addressed.”

Support for Override: The Planning Board was advised that the application was referred to the Palisades Interstate Park Commission (the “PIPC”), the PIPC was given more than 30 days to review and comment on the application, and it did not provide any substantive comments on the application. The application proposes minor modifications to the previously approved, 119-room second hotel in Orangeburg Commons and will not have any impact on the Palisades Interstate Parkway that is materially different from the previously-approved plan. The PIPC reviewed the previously-approved plan in 2011 and had no objection to it.

TOWN CLERK'S OFFICE
2019 MAR 14 P 1:33
TOWN OF ORANGETOWN

**PB #19-10: Fairfield Inn at Orangeburg Commons
Amendment to Approved Site Plan for Marriott Site Plan
Final Site Plan Approval Subject to Conditions/
Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 12 of 13**

Overrides Continued...

A motion to override the condition was made and moved by Michael Mandel and second by Bruce Bond and carried as follows: Thomas Warren - Chairman; absent, William Young, Vice-Chairman, aye; Michael Mandel; aye, Stephen Sweeney; aye, Bruce Bond; aye, Robert Dell; aye and Blythe Yost; aye.

“8. With regard to appropriate site development and management for portions of the site that were formerly used for waste disposal, a review shall be completed by the New York State Department of Environmental Conservation and all required permits obtained.

Support for Override: The historic disposal of solid waste at the Orangetown Commons site (the “Site”) was the subject of a Brownfields Cleanup Agreement (the “BCA”) pursuant to the New York State Brownfield Cleanup Program. The contaminants of concern in the landfilled solid waste were asbestos containing material and polycyclic aromatic hydrocarbon compounds associated with the disposal of off specification Orangeburg Pipe that was manufactured at the Site. The conditions at the Site were characterized pursuant to a remedial investigation work plan and remediated pursuant to a remedial action work plan (the “RAWP”), both of which plans were approved by New York State Department of Environmental Conservation (the “NYSDEC”). The remedial work performed in accordance with the RAWP resolved all historic impacts by the contaminants of concern. The remedial work included preparation of the building pads upon which the existing Supermarket and Residence Inn Hotel are constructed and the pad upon which the Fairfield Inn is to be constructed at the Site.

Upon completion of remedial activities in accordance with the RAWP, a Final Engineering Report describing the remediation work was submitted to and approved by NYSDEC and a Site Management Plan (the “SMP”) describing the proper management of soil and groundwater at the Site in the event of any future work at the Site was submitted to and approved by NYSDEC. Finally, an Environmental Easement was recorded granting NYSDEC entry upon the Site in the event that such access is needed in order to implement the obligations pursuant to the SMP. NYSDEC issued a Certificate of Completion (the “COC”) demonstrating the satisfactory completion of the remedial work at the Site subject to the performance of any future site management and development activities in accordance with the terms of the SMP.

TOWN CLERK'S OFFICE
2019 MAR 14 P 1:33
TOWN OF ORANGETOWN

**PB #19-10: Fairfield Inn at Orangeburg Commons
Amendment to Approved Site Plan for Marriott Site Plan
Final Site Plan Approval Subject to Conditions/
Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 13, 2019
Page 13 of 13**

Overrides Continued...

Inasmuch as the SMP is approved and the Fairfield Inn pad is constructed, all additional construction activity that is contemplated will be performed in accordance with the NYSDEC approved SMP. For work that disturbs the cover at the Site, notice to NYSDEC will be provided, but they do not have to issue any further permits.

A motion to override the condition was made and moved by Stephen Sweeney and second by Blythe Yost and carried as follows: Thomas Warren - Chairman; absent, William Young, Vice-Chairman, aye; Michael Mandel; aye, Stephen Sweeney; aye, Bruce Bond; aye, Robert Dell; aye and Blythe Yost; aye,

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

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

**Dated: February 13, 2019
Town of Orangetown Planning Board**

Cheryl Coopersmith

TOWN OF ORANGETOWN
2019 MAR 14 P 1:33
TOWN CLERK'S OFFICE

**PB #19-10: Fairfield Inn at Orangeburg Commons
Amendment to Approved Site Plan for Marriott Site Plan
Final Site Plan Approval Subject to Conditions/
Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 13, 2019**

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

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: **Fairfield Inn at Orangeburg Commons
Amendment to Approved Site Plan for Marriott Site Plan
Final Site Plan Approval Subject to Conditions/**

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

DESCRIPTION OF ACTION: Site Plan Review
LOCATION: The site is located at 1 Stevens Way, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.15, Block 1, Lots 21 & 22 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 development. The proposed action is consistent with the Town of Orangetown's Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

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

For Further Information contact:
Office of Building, Zoning and Planning
Administration and Enforcement; Town of Orangetown; 20 Greenbush Road
Orangeburg, NY 10962; Telephone Number: 845-359-5100
For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent: - Commissioner, New York State Department of Environmental Conservation, - Region 3 Headquarters, NYSDEC, - Town Supervisor, Applicant - Involved Agencies

TOWN CLERK'S OFFICE
2019 MAR 14 P 1:33
TOWN OF ORANGETOWN