

**Town of Orangetown Planning Board
Meeting of April 10, 2019**

Members Present: Thomas Warren, Chairman; William Young, Vice-Chairman; Blythe Yost, Michael Mandel, Stephen Sweeney, Robert Dell and Bruce Bond
Members Absent: None

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

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

Madira Framing Corp. Plan Rochris Subdivision Realignment of Conservation Easement Line Prepreliminary/ Preliminary/ Final Review and SEQRA Review 226 South Greenbush Road, Orangeburg 70.19/1/26.4; R-15 zoning district	Final Approval Subject to Conditions Neg. Dec.	PB #19-08
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Anda Realty Site Plan Amendment to PB #11-58, Prepreliminary/ Preliminary/ Final Site Plan Review 153 East Central Avenue, Pearl River 68.16/6/39; CS zoning district	Preliminary Approval to Amend PB#11-58 Subject to Conditions/ Reaffirmation of SEQRA	PB #17-62
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The Filling Station Site Plan Palisades Historic Area Prepreliminary/Preliminary Site Plan and SEQRA Review 243 Route 9W, Palisades 78.18/1/2; R-80 zoning district	Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.	PB #19-05
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Lia Toyota Site Plan – Parking Expansion Prepreliminary/ Preliminary/ Final Site Plan/ Parking Plan and SEQRA Review 618 Route 303, Orangeburg 65.18/1/7; LI/LIO zoning district	Postponed by Applicant	PB #18-36
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The decisions of the March 27, 2019 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Stephen Sweeney and second Michael Mandel by and carried as follows: Thomas Warren - Chairman, aye; 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 Stephen Sweeney and seconded by Michael Mandel and agreed to by all in attendance. The meeting was adjourned at 9:30 p.m. The next Planning Board meeting is scheduled for April 24, 2019.

DATED: April 10, 2019

Cheryl Coopersmith
Cheryl Coopersmith, Chief Clerk Boards and Commissions

TOWN CLERK'S OFFICE
APR 29 2019 11:17
TOWN OF ORANGETOWN

**PB #19-08: Madira Framing Corp. Plan
Final Approval of the Realignment of Conservation Easement Line
Subject to Conditions/ Neg. Dec.
(Rochris Subdivision Plan)**

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**TO: Alex Goldberger, 305 Airport Executive Park, Nanuet,
New York 10954**
FROM: Orangetown Planning Board

RE: Madira Framing Corp. Plan: The application of Alex Goldberger, applicant for Madira Framing Corp., owner, for Prepreliminary/ Preliminary/ Final Realignment of Conservation Easement Line – Lot 4 of the Rochris Subdivision at a site to be known as “**Madira Framing Corp. Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 226 South Greenbush Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.19, Block 1, Lot 26.4, R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, February 13, March 13 and April 10, 2019**, the Board made the following determinations:

February 13, 2019

Alex Goldberger and John Atzl 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 7, 2019.
4. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated February 7, 2019.
5. A letter from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated January 14, 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.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated January 6, 2019.
9. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Safety Inspector dated January 28, 2019.

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10. A copy of the Rockland County Highway Department Application, dated December 2, 2018.
11. A letter from Atzl, Nasher & Zigler, dated January 3, 2019, signed by Ryan Nasher, P.E.
12. A Project Narrative, dated November 28, 2018.
13. A Short Environmental Assessment Form dated January 3, 2019, signed by John Atzl.

The Board reviewed the request. The meeting was then open to the Public.

The applicant requested a **CONTINUATION**.

March 13, 2019

Alex Goldberger and John Atzl 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 7, 2019.
4. Site Plan prepared by Atzl, Nasher & Zigler, dated April 30, 2018, last revised February 22, 2019.

The Board reviewed the request. The meeting was then open to the Public.

The applicant requested a **CONTINUATION**

April 10, 2019

Alex Goldberger and John Atzl appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated April 3, 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 April 8, 2019.
3. Perc Test prepared by Atzl, Nasher & Zigler, dated April 5, 2018, signed by Ryan Nasher, P.E.

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The Board reviewed the request. The meeting was then open to the Public.

Public Comment:

Lillian Rinchiera, 231 South Greenbush Road, Orangeburg; raised concerns regarding the impact to the flood zone and decommissioned well as a result of realignment of the conservation easement line.

There being no one else from the public, a motion was made to close the Public by Bruce Bond and seconded by William Young and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Blythe Yost, aye; Robert Dell, aye; Stephen Sweeney, aye; Bruce Bond, aye and Michael Mandel, aye.

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

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Atzl, Nasher & Zigler and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Sewer District No.1, and having reviewed the proposed Final Realignment of Conservation Easement Line Plan prepared by Atzl, Nasher & Zigler, a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown'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 Robert Dell and carried as follows Thomas Warren – Chairman, aye; 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 Approval Subject to the Following Conditions:

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

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2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.

4. The applicant shall enter into a Conservation Easement Agreement, similar to the one reviewed and approved by the Town of Orangetown's Town Attorney Office in 2004. This document shall be filed with the Rockland County Clerk's Office prior to stamping the Conservation Easement Realignment Plan. The Conservation Easement Agreement shall include similar language as the 2004 agreement regarding the following:

- Cutting or removing dead trees is allowed only if the trees are certified to be dead by a New York State licensed arborist who recommends removal. The cost of the arborist is borne by the applicant
- If there is a need for something to be removed for safety or stability purposes, the Director of the Town of Orangetown Office of Building, Zoning, Planning Administration and Enforcement has the final say, and that the Director can defer to the Planning Board or the Architecture and Community Appearance Board of Review, or a Landscape Architect or Arborist.

5. The applicant will attempt to save tree #244, a 14 inch Oak tree noted on the submitted Site Plan, dated February 22, 2019, if it works with the grade.

6. The realignment of the Conservation Easement line shall be amended as agreed upon by the Applicant and Board at the April 10, 2019 meeting, and as noted on the attached revised Site Plan.

7. Drainage calculations, prepared and sealed by a New York State licensed professional engineer, shall be submitted to DEME for review and approval.

8. The NYSDEC stream number and classification for the Sparkill Creek shall be added to the plan.

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9. Soil borings, perc tests and determination of groundwater elevations shall be performed at the subsurface detention system location. These tests shall be performed PRIOR to this proposal receiving Final Approval to ensure the adequacy of the proposed design. The tests shall be performed in the spring when the ground water table is typically at its highest.

10. Soil erosion and sediment control plans and details shall be submitted to DEME for review and approval.

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

1. The comments in the January 14, 2019 letter from the County of Rockland Department of Highways must be met. All required permits must be obtained prior to any grading, vegetation removal, or construction on the site.

2. A review must be completed by the Rockland County Drainage Agency, and any comments or concerns addressed, and all required permits obtained.

3. 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.

4. There shall be no net increase in the peak rate of discharge from the site at all design points.

5. The narrative states that a low retaining wall will be constructed along the new conservation easement boundary. The site plan only shows a retaining wall for a portion of the easement. If a wall is not proposed along the entire length, then some other method shall be used to identify the boundary for the easement, ensuring threat encroachments will not occur in the future.

6. The purpose of a conservation easement is to protect the fragile features within the area. Construction of a retaining wall and regrading of the site may encroach into the conservation easement, negating the benefits of having such an easement. Clearing limit lines must be shown on the plans, and the area delineated in the field prior to any construction or grading on site to ensure that minimal disturbance will be done within the conservation easement.

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Continuation of Condition #11...

7. Item #5 in the Narrative Summary requests permission to enter the conservation easement to remove fallen and dead trees. Dead trees and limbs are essential to the health of forested areas by providing important nutrients to the ecosystem, therefore, one of the valuable components within the conservation easement. It is also not clear if this is a one-time request, or an ongoing request. This must be clarified. The County Planning Department strongly caution the Town in permitting the owner from clearing out the dead debris from within the conservation easement area.

12. The Rockland County Department of Highways reviewed the plans and offers the following comments:

- As noted in the Map #7667, the portion of land in front of the property, known as Tax Lot 70.19/1/26.5 shall be dedicated to the County of Rockland in deeds and shall be filed with the County Clerk's office.
- The applicant shall consider having one driveway for the proposed dwelling as normally no more than one driveway allowed to a property.
- The driveway shall be as nearly perpendicular to the roadway as possible to promote traffic safety in the area.
- The driveway shall have the adequate sight distance for the prevailing speed limit.
- A drainage report shall be submitted for the proposed development.
- A road work permit must be obtained from the Rockland County Highway Department prior to starting any construction activities on site.

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

- Application is to be made to the Rockland County Department of Health for review for compliance with the County Mosquito Code.
- A permit from Rockland County Department of Health will be required for the proposed well to serve the new dwelling.

14. 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.

15. The Town of Orangetown Bureau of Fire Prevention reviewed the submitted information and had no further comment.

TOWN CLERK'S OFFICE

2019 APR 29 P 1:17

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

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

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

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

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

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

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Continuation of Condition #20...

- Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
- Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

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

22. Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.

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

24. If the applicant, during the course of construction, 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 shall submit their recommendations as to the special treatment 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 recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant'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. Wetlands - U.S. Army Corps of Engineers).

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

26. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications

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

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

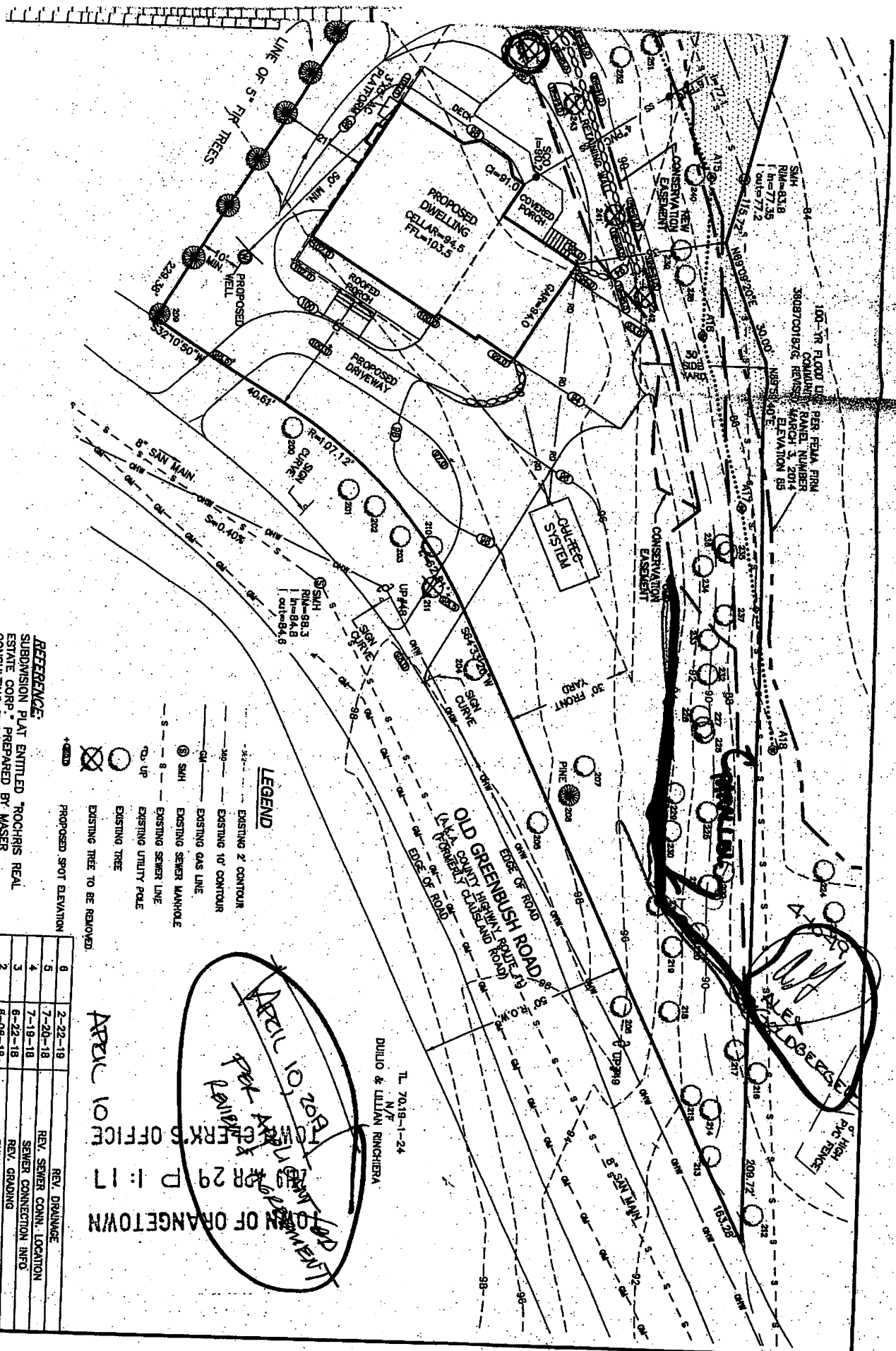
The Clerk to the Board is hereby authorized, directed and empowered to sign this **DECISION** and file a certified copy in the Office of the Town Clerk and the Office of the Planning Board.

DATED: April 10, 2019

Cheryl Coopersmith

Chief Clerk Boards and Commissions

TOWN OF ORANGETOWN
APR 29 P 1:17
TOWN CLERK'S OFFICE



100-TR FLOOD LINE PER FEMA FIRM
 30087001876, REVISION MARCH 3, 2014
 ELEVATION 85

REFERENCE:
 SUBDIVISION PLAN ENTITLED "ROCHERS REAL
 ESTATE CORP." PREPARED BY MASER

- LEGEND**
- - - - - EXISTING 2' CONTOUR
 - - - - - EXISTING 10' CONTOUR
 - - - - - EXISTING GAS LINE
 - ⊙ SMH EXISTING SEWER MANHOLE
 - - - - - EXISTING SEWER LINE
 - ⊙ UP EXISTING UTILITY POLE
 - ⊙ EXISTING TREE
 - ⊗ EXISTING TREE TO BE REMOVED
 - + (ELEV) PROPOSED SPOT ELEVATION

APRIL 10 2019
 DEPARTMENT OF ORANGETOWN
 PER APPLICANT'S OFFICE
 APRIL 10 11

TL 70,19-1-24
 N/P
 DULLO & LILLIAN RINCHIERA

6	2-22-19	REV. DRAINAGE
5	7-28-18	REV. SEWER CONN. LOCATION
4	7-19-18	SEWER CONNECTION INFO.
3	6-22-18	REV. GRADING
2	8-08-18	BULK TANK

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

**PB #19-08: Madira Framing Corp. Plan
Final Approval of the Realignment of Conservation Easement Line
Subject to Conditions/ Neg. Dec. (Rochris Subdivision Plan)**

**Town of Orangetown Planning Board Decision
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This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

**NAME OF ACTION: Madira Framing Corp. Plan Final Approval of the
Realignment of Conservation Easement Line
Subject to Conditions/ Neg. Dec. (Rochris Subdivision Plan)**

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

**DESCRIPTION OF ACTION: Final Approval of the Realignment of
Conservation Easement Line Subject to Conditions/ Neg. Dec.**

LOCATION: The site is located at 226 South Greenbush Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.19, Block 1, Lot 26.4; in the R-15 zoning districts.

REASONS SUPPORTING THIS DETERMINATION:

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

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

APR 29 11:18

TOWN OF ORANGETOWN

**PB #17-62: Anda Realty Site Plan
Preliminary Approval to Amend the Final Site
Plan Approval (PB#11-58), Subject
to Conditions/ Reaffirmation of Neg. Dec.**

Permit #46013

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**TO: Aidan McCormack, 153 East Central Avenue, Pearl River, NY
FROM: Orangetown Planning Board**

RE: Anda Realty Site Plan Amendment, a continued item: The application of Aidan McCormack; Anda Realty, LLC, owner, for an Amendment to PB #11-58, Final Site Plan Approval with Conditions, dated December 14, 2011, for Prepreliminary/ Preliminary/ Final Site Plan Review, at a site known as "**Anda Realty LLC,**" 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 153 East Central Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.16, Block 6, Lot 39 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, December 20, 2017 and April 10, 2019** at which time the Board made the following determinations:

December 20, 2017

Aidan McCormack appeared and testified before the Board.

The Board received the following communications:

1. Project Review Committee Report dated December 13, 2017.
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 December 20, 2017.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., December 15, 2017.
4. A letter from Rockland County Department of Planning, signed Douglas Schuetz, Acting Commissioner of Planning, dated November 28, 2017.
5. Letters from the Rockland County Department of Highways, signed by Joseph Arena, Senior Engineering Technician, dated November 22, 2017.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated November 9, 2017.
7. A letter from Rockland County Department Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated December 1, 2017.
8. An email from the Town of Orangetown Bureau of Fire Prevention, signed by Michael Bettmann, Chief Fire Inspector, dated November 3, 2017.
9. A letter from the Town of Orangetown Zoning Board of Appeals signed by Dan Sullivan, Chairman dated November 1, 2017.

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10. Copies of Board Decisions: PB #11-58, dated December 14, 2011, Final Site Plan Approval Subject to Conditions; ACABOR #11-08, Approved with Conditions, dated May 5, 2011, ZBA #10-64, Side Yard, Total Side Yard and Rear Yard Variances Approved with Conditions, dated September 1, 2010 and PB #10-58, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated December 8, 2010.
11. Land Survey prepared by Jeffrey Donnelon, PLS, dated March 19, 2003, last revised September 15, 2017.
12. A letter from Jeffrey Donnelon, PLS, dated October 5, 2017.
13. Copies of prior correspondence:
 - A letter from HDR Drainage Consultants, dated February 22, 2012, signed by Michael Murphy, P.E., Vice President.
 - An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., July 11, 2012.
14. A letter from Karl Ackermann, 159 East Central Avenue, Pearl River, dated December 16, 2010.

The Board reviewed the plan. The meeting was then open to the public. The applicant requested a **CONTINUATION**.

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Jay Greenwell, Aidan McCormack and Joe Scarmato appeared and testified before the Board.

The Board received the following communications:

1. Project Review Committee Report dated April 3, 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 April 5, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., April 4, 2019.
4. Amended Final Site Plan prepared by Jay Greenwell, PLS and Paul Gdanski, PE, dated October 26, 2018, last revision date of April 3, 2019.
5. A letter to the Planning Board signed by Aidan McCormack, owner, dated February 13, 2019.
6. A copy of a letter to Jane Slavin, Director Office of Building, Zoning, Planning Administration and Enforcement, signed by Paul Gdanski, PE, dated December 12, 2018, with an attachment
7. Copy of the Rockland County Highway Department Permit Application, dated November 25, 2018.

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8. A letter from the Rockland County Department of Health, signed by Elizabeth Mello, PE, dated November 29, 2018.
9. Updated Short Environmental Assessment Form, signed by Aidan McCormack, dated February 22, 2019.
10. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated March 8, 2019.
11. A Short Environmental Assessment Form, signed by Aidan McCormack, dated February 22, 2019.
12. Copies of Board Decisions: PB #11-58, Final Site Plan Approval Subject to Conditions, dated December 14, 2011; ACABOR #11-08, Approved with Conditions, dated May 5, 2011, ZBA #10-64, Side Yard, Total Side Yard and Rear Yard Variances Approved with Conditions, dated September 1, 2010 and PB #10-58, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated December 8, 2010.
13. Letters from Karl Ackermann, 159 East Central Avenue, Pearl River, dated April 8, 2019 and December 16, 2010.
14. A copy of an email from Jay Greenwell, PLS dated April 4, 2019.

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

Public Comment:

Karl Ackermann, 159 East Central Avenue, Pearl River, stated that there have been past concerns; however he is now looking to resolve the fence and tree issues. He noted that he is not looking for adverse possession of the property. In addition, Mr. Ackermann held that the shared retaining wall is in need of repair; take down the wood retaining wall and replace with Belgium block.

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

Reaffirmation of SEQRA:

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

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely by Jay Greenwell, PLS and Paul Gdanski, PE and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Highways, Rockland County Sewer District #1, and having reviewed a Plan prepared by Jay Greenwell, PLS and Paul Gdanski, PE 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;

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- 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 William Young and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Michael Mandel, aye; Blythe Yost, aye; Stephen Sweeney, aye; Robert Dell, 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 Preliminary Approval to Amend the Final Site Plan Approval (PB#11-58), Subject to the Following Conditions:

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall comply with all previous and pertinent applicable Board Decisions: PB #11-58, Final Site Plan Approval Subject to Conditions, dated December 14, 2011; ACABOR #11-08, Approved with Conditions, dated May 5, 2011; ZBA #10-64, Side Yard, Total Side Yard and Rear Yard Variances Approved with Conditions, dated September 1, 2010 and PB #10-58, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated December 8, 2010.

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4. The applicant and the property owner of Section 68.16, Block 6, Lot 38 (Ackermann) shall draft an agreeable letter regarding the fence, as per the September 1, 2010 Town of Orangetown Zoning Board of Appeals Decision #10-64, condition #3, under Decision: "(3) a fence shall be installed as per plan dated 08/23/2010 by Karl Ackermann, and the cost of 172' of the proposed fence to the rear of the property shall be shared between the applicant and Mr. Ackermann." In the agreement, the applicant shall also address the repair of the retaining wall by removing the wood and installing Belgium blocks and the planting of trees to the rear of the site.
5. The Site Plan submitted showing the garage location is not in compliance with the previous approvals as follows:
 - a. Per Zoning #10-64: Side yard setback to the west 7'-0" approved, 5'-0" constructed and Side yard setback to the east 5'-0" approved and 7'-0" constructed.
 - b. Per ACABOR approved plan; Oak trees at rear of the garage were to remain, concrete apron on the east side and rear of garage was not part of approved plan, a portion of the existing arborvitae screening has been removed on the west side and a number of them are dying on the east side.
6. Permits and Approvals must be obtained from the Rockland County Highway Department and the Rockland County Health Department for compliance with the County Mosquito Code, as per PB #11-58, Conditions, dated December 14, 2011.
7. During the Project Review Committee meeting on April 3, 2019, the applicant advised that he will remove the additional concrete that was installed and expose the rear drywell that was installed. Jay Greenwell, the applicant's consultant, provided an email dated April 4, 2019 confirming this.
8. The applicant shall obtain the review and approval from the Town of Orangetown Zoning Board of Appeals for the non-compliant Side Yard setbacks, based upon the as-built Amended Final Site Plan drawing.
9. The Town of Orangetown Bureau of Fire Prevention conducted a site visit and held that no commercial Fire Alarm is necessary, as this garage is used for personal hobby vehicles.
10. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - The comments in the November 22, 2017 letter from the Rockland County Highway Department must be met. All required permits must be obtained.
 - A review must be completed by the Rockland County Health Department and any necessary approvals obtained.

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11. The Rockland County Department of Highway reviewed the proposed action and offer the following comments for consideration:

1) Rockland County Highway Department submitted General Municipal Law reviews for this project on April 19, 2010 to the Orangetown Planning Board, and August 30, 2010 to the Town of Orangetown Zoning Board. In both letters, the Department informs the applicant that a Permit from the County Highway Department is required for the proposed construction. The county has no record of a permit being granted nor requested for this location along the county Highway.

2) As per their previous comments, the Town of Orangetown Land Use Board(s) shall be satisfied that the proposed loss of impervious area will not require mitigation measures to compensate for any additional runoff that may be generated from this site, in order to avoid any possible negative impacts upon East Central Avenue and neighboring parcels

3. A Rockland County Highway Department Work Permit is required for construction in addition to all permits and approvals required by the Town of Orangetown. The Highway Department requests that final approval from the Orangetown Building Department be subject to a letter of satisfaction from the Rockland County Highway Department.

12. The Rockland County Health Department (RCDOH) reviewed the plan and offered the following comment: Should the Board require a Stormwater Management System to remediate the increase in impervious coverage, application is to be made to RCDOH for review of the system for compliance with the County Mosquito Code.

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

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

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

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

17. 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.

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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.

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

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

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

The foregoing Resolution was made and moved by Bruce Bond and seconded by Stephen Sweeney and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Michael Mandel, aye; Blythe Yost, aye; Stephen Sweeney, aye; Robert Dell, 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: April 10, 2019

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

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

**PB #17-62: Anda Realty Site Plan
Preliminary Approval to Amend the Final Site
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to Conditions/ Reaffirmation of Neg. Dec.
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Permit #46013

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: Anda Realty Site Plan Amendment: Preliminary Approval to Amend the Final Site Plan Review (PB#11-58) Subject to Conditions/ Neg. Dec.

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

DESCRIPTION OF ACTION: Amendment to the Final Site Plan Review (PB#11-58) Subject to Conditions/ Neg. Dec.

LOCATION: The site is located at 153 East Central Avenue, Pearl River, Town of Orangetown, Rockland County, New York; and as shown on the Orangetown Tax Map as Section 68.16, Block 6, Lot 39; in the CS 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, Town Supervisor, Applicant, Involved Agencies

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**PB #19-05: The Filling Station Site Plan
Preliminary Site Plan Approval Subject
to Conditions/ Neg. Dec.**

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**TO: Rachel Barese, P.E., CivilTec Engineering and Surveying, 139
Lafayette Avenue, second floor, Suffern, New York 10901**
FROM: Orangetown Planning Board

RE: The Filling Station Site Plan: The application of The Filling Station, applicant for Villas Properties Equities, LLC, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site to be known as **"The Filling Station 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 243 Route 9W, Palisades, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 78.18, Block 1, Lot 2 in the R-80 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, January 23 and April 10, 2019** at which time the Board made the following determinations:

January 23, 2019

Rachel Barese and Steve Galanis 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., January 18, 2019.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, dated January 13, 2019.
5. A letter from Rockland County Department of Planning, from Douglas Schuetz, Acting Commissioner of Planning, dated January 22, 2019.
6. A letter from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated December 26, 2018.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated January 16, 2019.
8. Letters from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated December 31, 2018.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated January 2, 2019.
10. A Short Environmental Assessment Form signed by Rachel Barese, P.E., dated December 6, 2018.

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11. Plans prepared by Rachel Barese, P.E., CivilTec Engineering and Surveying dated April 4, 2018, last revised July 19, 2018:

Drawing 1: Site Plan

Drawing 2: Grading, Drainage & Utility Plan

Drawing 3: Landscaping and Erosion Control Plan

12. Building Permit Referral to the Planning Board dated April 30, 2018 prepared by Rick Oliver, Building Inspector.

13. A Project Narrative prepared by Rachel Barese, P.E., President CivilTec Engineering and Surveying dated July 19, 2018.

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

The applicant requested a **CONTINUATION**.

April 10, 2019

Rachel Barese and Steve Galanis appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated April 3, 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 April 8, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., April 4, 2019.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, dated April 8, 2019.
5. A letter from the Palisades Interstate Park Commission, signed by Karl Roecher, Senior Landscape Architect, dated April 9, 2019.
6. A letter from the New York State Department of Transportation, signed by Joseph Taylor, Permit Engineer, NYSDOT, Rockland County Residency, dated April 10, 2019.
7. A Short Environmental Assessment Form, dated March 7, 2019, signed by Rachel Barese, President, CivilTec Engineering and Surveying.
8. A letter from CivilTec Engineering and Surveying, dated March 7, 2019, signed by Rachel Barese, P.E., President.
9. Plans prepared by Rachel Barese, P.E., CivilTec Engineering and Surveying:
 - Drawing 1 of 5: Site Plan dated April 4, 2018, last revised March 7, 2019
 - Drawing 2 of 5: Existing Conditions dated March 7, 2019
 - Drawing 3 of 5: Grading, Drainage & Utilities Plan
 - Drawing 4 of 5: Landscaping and Erosion Control Plan
 - Drawing 5 of 5: Details dated March 7, 2019

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

Public Comment:

Susan Nemesdy, 19 Lawrence Lane, Palisades; supports the business in the neighborhood and the proposed expansion of parking. She noted that New York State Department of Transportation has been requested to put in a sidewalk along Route 9W.

There being no one else from the public, a motion was made to close the Public by Stephen Sweeney and seconded by Bruce Bond and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; William Young, aye; Robert Dell, aye; Stephen Sweeney, aye; Bruce Bond, aye and Michael Mandel, aye.

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

On motion by Stephen Sweeney and seconded by Michael Mandel and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Michael Mandel, aye; Blythe Yost, aye; Stephen Sweeney, aye; Robert Dell, 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, the applicant's professional representatives, namely by CivilTec Engineering & Surveying and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District #1, Rockland County Health Department and Rockland County Highway Department and having reviewed Plans prepared by CivilTec Engineering & Surveying a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown'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 Stephen Sweeney and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Michael Mandel, aye; Blythe Yost, aye; Stephen Sweeney, aye; Robert Dell, 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 Preliminary Site Plan Approval Subject to the Following Conditions:

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

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2. The following note shall be placed on the Site Plan: "Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations" .

3. The Site Plan shall be revised to note barriers/bollards near the proposed outdoor seating area for pedestrian safety.

4. Oil/water separators shall be placed on site to curtail any potential damages to the property of the Palisades Interstate Park Commission, subject to the review and approval of the location by the Town of Orangetown Department of Environmental Management and Engineering.

5. The Site Plan shall be revised to note the Planters that are currently located on site.

6. Per Chapter 43, Article VI, Section 6.34, minimum aisle width required is 22'-0" for 90 degree parking, with 20' proposed.

7. There are two existing light poles shown in the location of the proposed rear parking area; clarify if they are to be relocated or are new light poles proposed. New or relocated light poles must be shown on the plan.

8. The application shall be reviewed by the Town of Orangetown Architecture and Community appearance Board of Review, for the Pavilion structure and landscaping.

9. The SWPPP/ drainage calculations provided are under review by DEME. However, the existing calculations/ hydrographs and the proposed conditions calculations/ hydrographs shall be split into two separate appendices. The calculations shall be referenced in the SWPPP Narrative, just as the water quality volume calculations are. Also, the SWPPP shall be submitted in a 3-ring binder, for ease of review and updating.

10. Because the plan submitted indicates underground storage pipes for stormwater runoff and because its location is adjacent to a nearby stream, to which it will exhaust, soil borings, perc tests and determination of groundwater elevations shall be performed at the subsurface stormwater system location. These tests/ investigations shall be performed in the spring when the ground water table is typically at its highest. This shall be done **prior to this proposal receiving Final approval** and the information/ test results/ elevations shall be added to the SWPPP.

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11. The required soil borings, perc tests and determination of groundwater elevations investigations shall be taken to a depth of at least 1 foot below the bottom elevation of the subsurface stormwater system.
12. A "blow-up" of the subsurface stormwater system shall be provided on the drawings. Cross-sections, storage volume vs. elevation vs design storm, outlet structure details (with elevations), underdrain details, profiles with elevations, outlet pipe details with elevations, maintenance access, headwall sizing, energy dissipation for stormwater systems, etc. shall also be provided in the blow-up section and on the drawings.
13. It is unclear as to how stormwater runoff from the parking areas (existing and new – northern parking area), driveway, and gravel walkway areas will be captured by the proposed subsurface stormwater treatment system. Additional stormwater catchment facilities (catch basins and piping) shall be depicted for the driveways, northern parking area and gravel areas to direct stormwater to the required stormwater quality/ quantity features.
14. Profiles for all existing and proposed drainage piping and the subsurface stormwater system shall be provided on the drawings.
15. A table shall be added to the SWPPP narrative showing the year storm vs. elevation vs. storage capacity of the proposed subsurface water quantity system.
16. A revised/ replacement post construction stormwater maintenance agreement, in accordance with NYSDEC Phase II regulations, for the proposed subsurface stormwater system shall be submitted to DEMA and the Town of Orangetown Town Attorney's Office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEMA, etc.
17. The drawings and SWPPP shall clearly define the amount of fill required to accomplish the proposed parking/ driveway area at the rear (eastern portion) of the site.
18. The SWPPP narrative shall describe what effect, if any, the presence of the delineated wetlands has on the proposed subsurface stormwater system. The existing wetlands shall be discussed under Section 2 of the SWPPP.
19. The SESC drawing legend shall reflect the proposed SESC features.

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20. The location of the existing sanitary building location shall be given on the plans.
21. A note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.
22. All existing and proposed easements and dedications shall be shown on the plan, including page and liber or instrument number, intent/ purpose and ownership.
23. Copies of all correspondence, including any and all approvals, with the New York State Department of Environmental Conservation, U.S. Army Corps. of Engineers, the Rockland County Drainage Agency, etc., in connection with this proposed site plan, shall be supplied to the Town of Orangetown Planning Board and DEMA, as they are received.
24. 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.
- 25. Drainage Recommendation – Brooker Engineering**
The applicant is increasing stormwater runoff from the site and has provided sufficient calculations to demonstrate that the proposed detention can mitigate potential significant adverse impacts with respect to drainage. Brooker Engineering therefore recommends that The Filling Station Site Plan be approved for drainage subject to the following comments.

Background Information

This is the second drainage review report for this project; the last review was dated January 13, 2019. The site is located at the east side of Route 9W, about 500 feet north of Closter Road. The proposed site improvements include expansion of the parking lot in the north and east (rear) side of the property. Three 48 inch pipes with stone are provided for stormwater detention. Stormwater runoff currently flows east away from Route 9W to a depression area that acts as a detention basin. Three drainage lines discharge to this depression and there is a stone lined weir at the northeast corner. Overflows from this depression flow east to the existing creek/wetlands. This area is proposed to be filled in for the east parking lot.

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Continuation of Condition #25...

For this submission, drainage calculations have been provided to support the design of the detention pipes to provide stormwater detention mitigation. The modeling includes the detention from the existing depression area. Curbing has been added along the parking areas to direct stormwater runoff from the parking lot to the proposed detention facilities.

Project Comments

1. As per the January 13, 2019 report, add spot grades at the corners of all the new parking areas.
2. As per the January 13, 2019 report, show access for maintenance of the two east rows of 48 inch pipe.
3. Add additional grading along the proposed north/south curblin along the eastern portion of the parking lot. The proposed grading as shown is flat and will result in ponding.
4. Add additional grading along the proposed east/west curblin along the northern portion of the parking lot. The proposed grading will result in a low point at the northeast corner of this parking area.
5. Show the existing grading and contours of the depression area and weir east of the existing parking lot.
6. Show top and bottom of wall elevations of the proposed wall along the north side of the parking lot.
7. Verify sufficient cover is available over the proposed 48 inch pipes. Provide backfill that can be compacted between the two feet separation of pipes. Settling in the parking lot will most likely occur at this area as designed.
8. Provide the jurisdictional determination of the wetland delineation.
9. Provide backup calculations to support the total volume of storage available in the 48 inch pipes that is used by the hydrologic model.
10. Provide drainage subarea maps for existing and proposed conditions. Subareas shall be included for areas that are directed to the detention areas under existing and proposed conditions and areas that bypass the system.
11. For ease of inspection, provide a plan view of the stormwater detention system with dimensions and pipe lengths, including the design of the headers.
12. Add inverts and elevations of the stone, pipe invert and crown, and pavement on the Trench Cross Section Detail.
13. Show a plan view of the outlet Structure Detail

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

- A review must be completed by the New York State Department of Transportation, and any required permits obtained.
- The comments in the December 31, 2018 letter from the Rockland County Health Department must be met.
- The location of the existing dumpster must be illustrated on the Site Plan.
- The landscaping plan provided only illustrates trees to be removed. A landscaping plan must be provided that provides additional vegetation to supplement the existing plantings to replace the trees that are to be removed for the installation of the parking area.
- A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- A review must be completed by the New York-New Jersey Trail Conference and any comments addressed.

27. Based on the information provided, Rockland County Department of Health offered the following comments:

- Application is to be made to the Rockland County Department of Health for review for compliance with the County Mosquito Code.
- The Department of Health records indicate there are existing resource wells on the property. The locations are to be provided on the plan. Additionally, it is to be noted on the plans that wells are to be decommissioned in accordance to Article II of the Rockland County Sanitary Code.

28. 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.

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29. The New York State Department of Transportation (NYSDOT) reviewed the plans and provided the follow comment:

- A Highway Work Permit will be required to assure that the improvements meet the NYSDOT policy and standards. Specifically, the one-way signs within the States Right-of Way are not per NYSDOT standards.

30. 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 Health Department
- Rockland County Highway Department

31. 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.

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

33. 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.

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.

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Continuation of Condition #34...

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.

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

36. Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.

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

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38. If the applicant, during the course of construction of any required public improvements or private sanitary or storm sewer improvements, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant (or the applicant's engineer) shall submit their recommendations as to the special treatment or design modification to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's (applicant's engineer's) recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's (applicant's engineer's) disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Federal Wetlands - U.S. Army Corps of Engineers).

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

40. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications

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

Override

The Board made a motion to override Condition #2 of the January 22, 2019 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

2. A review must be completed by the Palisades Interstate Park Commission, and any raised concerns addressed. The previous application to permit the sidewalk café was reviewed by them in 2013. In a letter dated July 15, 2013, they raised several issues regarding the 20-foot vegetative buffer along the northern boundary. The existing shed and the dumpster, as well as the proposed northern parking area infringe on this 20-foot buffer. As requested in this letter, the shed, dumpster, and parking area must be relocated so that they are outside of the vegetative buffer.

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The Board held that on-site parking was needed for the business since New York State Department of Transportation had curtailed parking along Route 9W for safety factors. In addition, the Board required oil/water separators to be placed in the parking area.

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

The foregoing Resolution was made and moved by Bruce Bond seconded by Stephen Sweeney and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Michael Mandel, aye; Blythe Yost, aye; Stephen Sweeney, aye; Robert Dell, 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: April 10, 2019
Cheryl Coopersmith, Chief Clerk Boards and Commissions
Town of Orangetown Planning Board



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

**PB #19-05: The Filling Station Site Plan
Preliminary Site Plan Approval Subject
to Conditions/ Neg. Dec.**

Permit #47588

**Town of Orangetown Planning Board Decision
April 10, 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: The Filling Station Site Plan; Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

SEQR STATUS: Type I _____
Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____
No XXXXXX

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

LOCATION: The site is located at 243 Route 9W, Palisades, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 78.18, Block 1, Lot 2 in the R-80 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

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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