

**Meeting of July 11, 2018  
Town of Orangetown Planning Board**

**MEMBERS PRESENT:** Thomas Warren, Chairman, William Young, Vice-Chairman; Michael Mandel; Robert Dell; Bruce Bond and Blythe Yost

**MEMBERS ABSENT:** Kevin Garvey and Stephen Sweeney,

**ALSO PRESENT:** Jane Slavin, Director, Department of Building, Zoning, Planning Administration and Enforcement; Rick Pakola, Deputy Town Attorney; 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:

**Continued from January 24, 2018 Meeting:**

<b>526 Route 303 Site Plan</b>	<b>PB #18-06</b>
Instrumentation Laboratories	<b>Continued: Revise Plan</b>
Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review	
526 Route 303, Orangeburg	
70.19/1/45; LO zoning district	

**New Item:**

<b>The Learning Experience Site Plan</b>	<b>PB #18-25</b>
Prepreliminary/ Preliminary Site Plan Amendment and SEQRA Review	<b>Preliminary Site Plan Approval Subject to Conditions/Neg. Dec.</b>
1 Stevens Way, Orangeburg	
74.15/1/21 & 22; LI zoning	

**Other Business:**

- 1. Town Board Referral and Lead Agency Status:** Proposed Zoning District Amendment for property located on the Southwest side of Veterans Memorial Highway adjacent to Blue Hill office building, in the hamlet of Pearl River, Tax Map: Section 73.10, Block 1, Lot 5, from OP to PAC and SEQRA lead agency determination.  
The Planning Board consented to the Town Board to be Lead Agency in the SEQRA Review. A motion was made by Michael Mandel and second by Blythe Yost and carried as follows: Thomas Warren - Chairman; aye, William Young, Vice-Chairman, aye; Kevin Garvey; absent, Michael Mandel; aye, and Stephen Sweeney; absent, Bruce Bond; aye, Robert Dell; aye and Blythe Yost; aye.
- 2. Rockland Plastic Surgery Sign Location:** Re-location of Sign out of easement. The Board reviewed and approved the revised sign location plan, reviewed under PB #18-20, May 9, 2018. Section 72.08, Block 1, Lot 1, 150 Route 304, Pearl River.

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The decisions of the June 27, 2018 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel and seconded by William Young and carried as follows: Thomas Warren - Chairman; aye, William Young, Vice-Chairman, aye; Kevin Garvey; absent, Michael Mandel; aye, and Stephen Sweeney; absent, Bruce Bond; aye, Robert Dell; abstain and Blythe Yost; abstain.

The Decisions of the above hearings, as attached hereto, although made by the Board before the conclusion of the meeting are not deemed accepted and adopted by the Board until adopted by a formal motion for adoption of such minutes by the Board. Following such approval and adoption by the Board, the Decisions are mailed to the applicant. The verbatim transactions are not transcribed, but are available.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by William Young and seconded by Michael Mandel and agreed to by all in attendance. The meeting was adjourned at 9:00 p.m. The next Planning Board meeting is scheduled for July 25, 2018.

**DATED: July 11, 2018**



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

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**PB #18-25: The Learning Experience Site Plan  
(prior site of Shops at Orangeburg Commons Site Plan)  
Preliminary Site Plan Approval Subject to Conditions/  
Neg. Dec.**

**Permit #44147**

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

**RE: The Learning Experience Site Plan:** The application of The Learning Experience (FB Greenbush LLC), and for Orangeburg Commons, (FB Orangetown Retail, FB Orangetown Retail Three, FB Orangetown Retail Two, FB Orangetown Hotel, FB Orangetown Hotel Two), applicants for Thomas Graff, FB Orangetown Retail LLC, FB Orangetown Retail Three, FB Orangetown Retail Two, FB Orangetown Hotel, FB Orangetown Hotel Two, owners, for Prepreliminary/ Preliminary Amendment Site Plan Review at a site to be known as **“The Learning Experience 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 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 21.1, 21.2, 21.3, 21.4 & 21.5 & 22 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 11, 2018**, the Board made the following determinations:

Geraldine Tortorella, Matthew Jarmel, Nate Burns, John Collins, Justin Lim, and Alfred Rossi appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated July 3, 2018.
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 July 5, 2018.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 3, 2018.
4. Interdepartmental memorandum from the Highway Department, Town of Orangetown, signed by James Dean, Superintendent of Highways, dated June 29, 2018.
5. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated July 7, 2018.

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6. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated June 29, 2018.
7. Letters from the Rockland County Department of Highways, signed by Joseph Arena, dated June 8, 2018 and Dyan Rajasingham, Engineer II, dated June 7, 2018.
8. Letters from the Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated June 7, 2018.
9. A letter from Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated June 18, 2018.
10. A letter from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, signed by Victoria Lawrence, dated June 27, 2018.
11. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chairman, dated June 6, 2018.
12. A letter from Hocherman Tortorella & Wekstein, LLP, signed by Geraldine Tortorella dated May 14, 2018.
13. A letter from Jarmel Kizel Architects and Engineers, signed by Matthew Jarmel, AIA, MBA, dated December 18, 2017.
14. A copy of the Town of Orangetown Town Board Resolution No. 202, No. 203 and No. 204; Declare Lead Agency/ Zoning Text Amendment/ Special Permit Amendment Child Daycare Center/ Mixed Use Developments and Mixed Use Expansions/ LI zoning district, dated March 20, 2018.
15. A copy of the Environmental Assessment Form, dated December 21, 2017, signed by Alfred Rossi, P.E..
16. Plans prepared by Leonard Jackson Associates, dated November 20, 2014, revised November 1, 2017; unless noted:
  - Drawing 1 of 13: Title Sheet
  - Drawing 2 of 13: Overall Site Plan & Commercial Subdivision Plan
  - Drawing 2A of 13: Concept Plan
  - Drawing 3 of 13: Overall grading, Drainage & Utility Plan
  - Drawing 3A of 13: Grading, Drainage & Utility Plan "Part Plan"
  - Drawing 4 of 13: Erosion Control Plan
  - Drawing 5 of 13: Landscaping Plan
  - Drawing 6 of 13: Lighting Plan
  - Drawing 7 of 13: Construction Details (1 of 4)
  - Drawing 8 of 13: Construction Details (2 of 4), revised February 17, 2016

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- Drawing 9 of 13: Construction Details (3 of 4), revised February 17, 2016
  - Drawing 10 of 13: Construction Details (4 of 4), revised May 31, 2018
  - Drawing 11 of 13: Storm and Sanitary Profile, revised November 1, 2017
  - Drawing 12 of 13: Typical Site Cap Sections, dated Nov. 20, 2014
  - Drawing 13 of 13: Site Cap Plan, dated Nov. 20, 2014
17. 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
18. Preliminary Detention Berm Update Plan prepared by Jay Greenwell, PLS, LLC, dated July 14, 2015.
19. Building elevations of The Learning Experience prepared by Murray Jay Miller Architecture, unsigned and unsealed.
20. Space Plan prepared by Matthew Jarmel, dated May 7, 2018.
21. A sign plan prepared by Allied Signage, dated November 20, 2017.
22. Copies of the following Board Decisions: PB #15-33, Final Site Plan Approval Subject to Conditions, dated July 22, 2015, ACABOR #15-36, Approved Subject to Conditions, dated June 18, 2018 and an Amendment, dated July 17, 2015 and PB #15-17, Preliminary Site Plan Approval Subject to Conditions; reaffirmation of the Town Board Neg. Dec., dated May 13, 2015.

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

**Public Comment:**

Gail Rafaela, Tappan, raised concerns regarding making Highview Avenue into a one way roadway.

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 seconded by Michael Mandel and carried as follows: Thomas Warren - Chairman; aye, William Young, Vice-Chairman, aye; Kevin Garvey; absent, Michael Mandel; aye, Stephen Sweeney; absent, 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 seconded by Michael Mandel and carried as follows: Thomas Warren - Chairman; aye, William Young, Vice-Chairman, aye; Kevin Garvey; absent, Michael Mandel; aye, and Stephen Sweeney; absent, Bruce Bond; aye, Robert Dell; aye and Blythe Yost; aye, the Board declared itself Lead Agency.

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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 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, Rockland County Highway Department, Rockland County Drainage Agency, New York State Department of Environmental Conservation 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;

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- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown'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; aye, William Young, Vice-Chairman, aye; Kevin Garvey; absent, Michael Mandel; aye, and Stephen Sweeney; absent, Bruce Bond; aye, Robert Dell; nay 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 PRELIMINARY SITE PLAN APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:**

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

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4. In order to prevent vehicle access to the structure, planters shall be placed at "gaps" at the sidewalks entrances and planters at the handicap ramps, on the north and south ends.
5. In the rear of the site, along the railroad right of way, the plan notes a four foot high fence with posts. The fence shall be changed to a "Solid Fence". In addition, the fence shall run the entire length, along the railroad right of way.
6. The bollard at the north end of the sidewalk shall be removed and a 5<sup>th</sup> handicap parking space created. A planter shall be located at this space to prevent vehicles accessing the structure.
7. The application is for a new child day care center in the location of a previously approved Retail center that was not constructed.
8. Amended Special Use Permit approval was granted the Town of Orangetown Town Board resolutions adopted on April 13, 2018.
9. There are no significant changes in the bulk or parking requirements.
10. The application shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
11. The applicant's engineer shall verify what, if any, utility or other improvements have been made to the site and provide an up to date existing conditions plan of the site.
12. The applicant's engineer shall submit signed and sealed calculations that demonstrate that the previously approved drainage design to treat stormwater quantity and quality is adequate for the current revised Site Plan. These calculations shall also include a revised impervious area coverage calculations and a comparison to the previously approved impervious area coverage.
13. The previously approved Addendum #1 to the Orangeburg Commons SWPPP – "Shops @ Orangeburg Commons" needs to be revised/ updated due to the change in size and nature of the proposed site, (this includes but is not limited to: the introduction, attached drawings, NOI, Owner – SWPPP Preparer – Qualified Inspector – Contractor Certifications, Title, Appendix Introductions, etc.)
14. The applicant's attorney shall provide a letter establishing that the previous agreements for both sanitary (sewage –works corp.) and stormwater flow and treatment are still valid, up –to- date and in full force for the current revised Site Plan/ site usage. **The instrument numbers for both of these license agreements/ easements shall be listed in the letter and listed on the drawings.**

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15. The applicant's engineers shall submit revised sanitary sewage calculations for review and approval. The applicant's engineer is further advised that the size of the proposed grease trap may change based upon the revised sanitary calculations.

16. The applicant's engineer shall contact the Town of Orangetown F.O.G . (Fat, Oil and Grease Program) Coordinator to determine if a permit was issued based upon the previously approved design and as to whether a revised or new permit needs to be issued due to the revised building usage and/or updated sanitary flow calculations required.

17. The utility plan shows three sanitary building connections for the proposed revised building. The applicant's engineer shall verify if all three connections are necessary.

18. The size, material and inverts for the proposed sanitary building connection(s) shall be given on the plan. Cleanouts shall also be shown for the sanitary building connection(s).

19. The building connection detail, drawing #8, shall be labeled as a "sanitary building connection detail" (if indeed it is a sanitary building connection detail.) Also, the pipe material shall be labeled on the detail and the cleanouts shall be shown to be at grade, not below grade with an oak marker.

20. The cleanout detail: traffic bearing (drawing #8) depicts a PVC connection to a PVC sanitary main but the plans call for class 54 DIP sanitary main, this shall be corrected.

21. The sanitary manhole detail (drawing #8) shall be revised by removing the words "Town of Orangetown" from the note on the profile view and from the manhole cover detail.

22. The following information shall be noted on the plan: Two (2) "Do Not Enter" signs shall be placed at the driveway (one way out) entering Greenbush Road.

23. The application has provided sufficient information to demonstrate that the existing stormwater management basin can be modified to mitigate against increases in peak stormwater runoff rates as a result of the project. The Drainage Consultant to the Planning Board, Brooker Engineering, therefore recommends that The Learning Experience at Orangeburg Commons be approved for drainage subject to no conditions. The Drainage Consultant had no new drainage comments for this application.

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**Continuation of Condition #23...**

**Project Description**

This is the first drainage review report for this project; Brooker Engineering previously reviewed this site for drainage as part of the "Shops at Orangeburg Commons" Site Plan application. The Consultant approved this project for drainage with no conditions as per our January 24, 2016 drainage review report. The project consists of the redevelopment of the site at tax lot 74.15-1-22, which is located just west of the developed Orangeburg Commons site. The development consists of a new 10,088 square feet day care facility and additional impervious areas for parking, with an approximate net increase of 15,250 square feet of impervious area. The land slopes downhill in an easterly direction and stormwater runoff will be conveyed to the stormwater management basin constructed for the Orangeburg Commons site.

The current project proposes the same impervious area, storm drain system, and grading plan as the approved Shops at Orangeburg Commons Site Plan. The approved drainage pattern is being maintained and this development will utilize the same stormwater management basin located at the eastern portion of the site. The outlet structure for this basin requires slight modifications as provided on the construction details.

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

- The comments in the June 7, 2018 letter from the Rockland County Department of Health must be addressed.
- A review must be completed by the New York State Department of Transportation and any required permits obtained.
- A review must be completed by the Palisades Interstate Park Commission and any raised comments or concerns addressed.
- The larger portion of the site was formerly a State Brownfield site, and remediation has been completed under the New York State Department of Environmental Conservation Brownfield Cleanup Program. A site Management Plan is in place to control the potential for direct contact with subsurface soil and groundwater contamination remaining on site. The Town of Orangetown Planning Board and the New York State Department of Environmental Conservation must continue to manage the site, ensuring that the proposed construction is in compliance with the procedures established for re-development of the site.
- Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.
- Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.

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**25.** The Rockland County Highway Department reviewed the submitted information and found that the proposed action would have a de-minimis impact upon the County Highway System. Therefore, the department poses no objection to the local determination unless major changes are proposed to the development in the future.

**26.** The Rockland County Health Department's (RCDOH) letter of June 7, 2018 requests the following:

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.**

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

**28.** 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 Highway Department
- Rockland County Drainage Agency
- New York State Department of Environmental Conservation
- Town of Orangetown Zoning Board of Appeals

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

**30.** The applicant shall comply with all applicable previous Board Decisions: PB #15-33, Final Site Plan Approval Subject to Conditions, dated July 22, 2015, ACABOR #15-36, Approved Subject to Conditions, dated June 18, 2018 and an Amendment, dated July 17, 2015 and PB #15-17, Preliminary Site Plan Approval Subject to Conditions; reaffirmation of the Town Board Neg. Dec., dated May 13, 2015.

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**31.** The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans 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.

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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**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.** 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).

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

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39. 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 DEMA 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

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

The foregoing Resolution was made and moved by Bruce Bond and seconded by William Young and carried as follows: Thomas Warren - Chairman; aye, William Young, Vice-Chairman, aye; Kevin Garvey; absent, Michael Mandel; aye, and Stephen Sweeney; absent, Bruce Bond; aye, Robert Dell; nay 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: July 11, 2018  
Town of Orangetown Planning Board**



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**PB #18-25: The Learning Experience Site Plan  
(prior site of Shops at Orangeburg Commons Site Plan)  
Preliminary Site Plan Approval Subject to Conditions/  
Neg. Dec.**

**Permit #44147**

**July 11, 2018**

**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: The Learning Experience Site Plan - Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.**

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

**DESCRIPTION OF ACTION:** Site Plan Review

**LOCATION:** The site is located at 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 21.1, 21.2, 21.3, 21.4 & 21.5 & 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:

Jane Slavin, R.A., A.I.A., Director, Office of Building, Zoning and Planning Administration and Enforcement; Town of Orangetown; 20 Greenbush Road Orangeburg, NY 10962; Telephone Number: 845-359-5100

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

TOWN OF ORANGETOWN  
2018 JUL 30 P 12:26  
TOWN CLERK OFFICE