

**Meeting of July 25, 2018
Town of Orangetown Planning Board**

MEMBERS PRESENT; Thomas Warren, Chairman, William Young, Vice-Chairman, Stephen Sweeney, Blythe Yost, Robert Dell, Kevin Garvey and Michael Mandel

MEMBERS ABSENT: Bruce Bond, alternate

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.
Kevin Garvey read the agenda. Hearings as listed on this meeting's agenda which are made a part of these minutes were held as noted below:

30 Rockland Park Avenue Site Plan **PB #18-26**
Concrete Pads on Existing Impervious Site **Continued: Revise**
Prepreliminary/ Preliminary/ Final Site Plan **Plan**
and SEQRA Review
30 Rockland Park Road, Tappan
77.16/1/33; LIO zoning district

Pearl River Campus – Building B205 **PB #18-27**
Ground Floor Internal Commercial Subdivision
Prepreliminary/ Preliminary/ **Final Internal**
Final Internal Commercial Subdivision Plan **Commercial Subdivision**
and SEQRA Review **Plan Approval Subject**
401 North Middletown Road, Pearl River **to Conditions/ Neg. Dec.**
68.08/1/1; LI zoning district

Village Green Fence Site Plan **PB #18-28**
Final Site Plan Review **Final Site Plan**
401 North Middletown Road, Pearl River **Approval Subject**
68.08/1/5; LI zoning district **to Conditions**

Griffin Site Plan – Lot #2 **PB #18-15**
Krieger Subdivision **POSTPONED**
Prepreliminary/ Preliminary Site Plan
and SEQRA Review
27 Sunrise Lane, Pearl River
69.18/3/43.2; R-15 zoning district

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Orangetown Commerce Center Site Plan
Amendment to Approved Site Plan
Prepreliminary/ Preliminary Site Plan
and SEQRA Review
5 Greenbush Road, Orangeburg
74.15/1/2; LI zoning district

PB #18-29
Preliminary Site Plan
Approval Subject to
Conditions/ Neg. Dec.

Orangetown Commerce Center Internal
Commercial Subdivision Plan
Amendment to Approved Subdivision Plan
Prepreliminary/ Preliminary/ Final Subdivision
and SEQRA Review
5 Greenbush Road, Orangeburg
74.15/1/2; LI zoning district

PB #18-30
Preliminary Internal
Commercial Subdivision Plan
Approval Subject to
Conditions/ Neg. Dec.

Other Business:

1. Project Sycamore Data Center: Review/approval of Construction Trailer location, per PB #17-33, condition #48. The Board reviewed and approved the location of the Construction Trailer at the site.

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

2. Referral from the Village of Piermont: The Board reviewed and held that they were in favor of the construction as described by the Architect.

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

3. Town Board Referral: Proposed amendment to Chapter 43, Art. X Administration and Enforcement, Sec. 21A-4 regarding Internal Commercial Subdivisions. The Planning Board was in favor as presented.

The Planning Board consented to the Town Board to be Lead Agency in the SEQRA Review. A motion was made by Kevin Garvey and second by Michael Mandel and carried as follows: Thomas Warren - Chairman; aye, William Young, Vice-Chairman, aye; Kevin Garvey; aye, Michael Mandel; aye, and Stephen Sweeney; aye, Bruce Bond; absent, Robert Dell; aye and Blythe Yost; aye.

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4. Town Board Referral: Proposed Addition to Chapter 43, Art. V Exceptions to Bulk Regulations, Art XI, Definitions regarding Temporary Storage Containers. The Planning Board was in favor of the Bulk Regulations as proposed.

The Planning Board consented to the Town Board to be Lead Agency in the SEQRA Review. A motion was made by Kevin Garvey and second by Michael Mandel and carried as follows: Thomas Warren, Chairman; aye, William Young, Vice-Chairman, aye; Kevin Garvey; aye, Michael Mandel; aye, and Stephen Sweeney; aye, Bruce Bond; absent, Robert Dell; aye and Blythe Yost; aye.

5. Town Board Referral: Proposed zoning district change, 334 Route 9W, Palisades, HNA Palisades Conference Center. 78.13-1-1, currently LO to change to OP. The Planning Board was in favor of the zone change.

The Planning Board consented to the Town Board to be Lead Agency in the SEQRA Review. A motion was made by Kevin Garvey and second by William Young and carried as follows: Thomas Warren - Chairman; aye, William Young, Vice-Chairman, aye; Kevin Garvey; aye, Michael Mandel; aye, and Stephen Sweeney; aye, Bruce Bond; absent, Robert Dell; aye and Blythe Yost; aye.

The decisions of the July 11, 2018 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Kevin Garvey and seconded by Michael Mandel and carried as follows: Thomas Warren, Chairman; aye, William Young, Vice-Chairman, aye; Kevin Garvey; aye, Michael Mandel; aye, and Stephen Sweeney; aye, Bruce Bond; absent, Robert Dell; aye and Blythe Yost; aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Michael Mandel and seconded by Blythe Yost and agreed to by all in attendance. The meeting was adjourned at 8:45 p.m. The next Planning Board meeting is scheduled for September 12, 2018.

DATED: July 25, 2018

**Cheryl Coopersmith
Chief Clerk Boards and Commissions**

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PB#18-27: Pearl River Campus – Building B205 Permit #47116
Internal Commercial Subdivision Plan - Ground Floor
Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

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TO: Greg Stanton, IRG, 401 North Middletown Road, Pearl River, New York 10965
FROM: Orangetown Planning Board

RE: Pearl River Campus – Building B205 Internal Commercial Subdivision Plan – Ground Floor: The application of Pearl River Campus, LLC, owner, for Prepreliminary/ Preliminary/ Final Internal Commercial Subdivision Plan Review, at a site known as “**Pearl River Campus – Building B205 Internal Commercial Subdivision – Ground Floor 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 401 North Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.08, Block 1, Lot 1 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 25, 2018** at which time the Board made the following determinations:

Greg Stanton appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 18, 2018.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, AIA, Director dated July 23, 2018.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated July 18, 2018.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated July 11, 2018.
5. Letters from the Rockland County Highway Department signed by Dyan Rajasingham, Engineer III dated June 29, 2018 and from Joseph Arena, dated June 21, 2018.
6. A letter from the Rockland County Health Department, signed by Elizabeth Mello, P.E. dated July 10, 2018.
7. A letter from the Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II dated July 24, 2018.
8. A Short Environmental Assessment Form, signed by Greg Stanton dated June 15, 2018.
9. A Project Narrative prepared by Pearl River Campus, LLC.
10. Building B205 Ground Floor Plans prepared by Edward Gannon, PLS, dated May 21, 2018:
 - Sheet 1 of 2: Interior Subdivision
 - Sheet 2 of 2: Available Parking
11. Building Permit Referral dated May 24, 2018, prepared by Building Inspector Rick Oliver.

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Internal Commercial Subdivision Plan - Ground Floor
Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

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The Board reviewed the plans. The hearing was then opened to the Public. There being no one from the Public, a motion was made to close the Public Hearing portion of the meeting by Kevin Garvey 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; Kevin Garvey, aye and Bruce Bond, absent.

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 Kevin Garvey 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, Bruce Bond, absent and, Kevin Garvey, 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 Edward Gannon, PLS, dated May 21, 2018, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies; Rockland County Department of Health and Rockland County Department of Highway, 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 Kevin Garvey and seconded by Blythe Yost and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Bruce Bond, absent; Michael Mandel aye; Blythe Yost, aye; Stephen Sweeney, aye; Robert Dell, aye, and, Kevin Garvey, 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 Internal Commercial Subdivision Plan Approval Subject to the Following Conditions:**

1. The following note shall be placed on the 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. Application is for an internal subdivision of space in Building B205 on the ground floor to create one (1) tenant space and the balance of first floor to be Mechanical space.
3. The applicant is advised that a separate permit application is to be submitted to the Town of Orangetown Office of Building, Zoning, Planning Administration and Enforcement (OBZPAE) for any additional subdivision of space.
4. Full construction plans in compliance with the New York State Building Codes Rules and Regulations are required to be submitted to OBZPAE for review and approval prior to a Building Permit being issued. No work is to commence until a Building Permit is issued by OBZPAE.
5. The Rockland County Highway Department reviewed the plan and provided the following comments:
 - The proposed action would have a de-Minimis impact upon the County Highway System. Therefore, the Highway Department poses no objection to the local determination unless major changes are proposed to the development in the future.
6. 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 Highway
 - Rockland County Department of Health
7. 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.
8. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.
9. 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.
10. All landscaping shown on the Site Plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

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11. 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.

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

13. 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 Site 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).

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

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

The foregoing Resolution was made and moved by Kevin Garvey seconded by Blythe Yost and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Bruce Bond, absent; Kevin Garvey, aye, Blythe Yost, aye, Robert Dell, aye; Stephen Sweeney, aye; and Michael Mandel, 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 25, 2018
Cheryl Coopersmith, Chief Clerk Boards and Commissions
Town of Orangetown Planning Board



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**PB #18-28: Village Green Fence Phase 2
Final Site Plan Approval Subject
to Conditions/ Neg. Dec.**

Permit #47040

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**TO: Dave Sliter, 401 North Middletown Road, Pearl River, New York
FROM: Orangetown Planning Board**

RE: Village Green Fence Plan Phase 2- Pfizer Site Plan: The application of Pfizer, applicant, for Wyeth Holding, owner, for Final Fence Site Plan Review at a site known known as “**Village Green Fence Plan Phase 2 – Pfizer Site Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 401 North Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.08, Block 1, Lot 5 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 25, 2018** at which time the Board made the following determinations:

Dave Sliter and Anthony Bispo appeared and testified.

The Board received the following communications:

1. A Project Review Report dated July 18, 2018.
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 July 23, 2018.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated July 19, 2018.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner dated July 13, 2018.
5. A letter from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer II dated June 29, 2018.
6. Copies of the following Town of Orangetown Board Decisions:
ACABOR #18-15, Approved as Presented, dated June 21, 2018, ZBA #18-36, dated June 20, 2018 and PB #18-02, Preliminary Site Plan Approval Subject to Conditions, dated January 10, 2018.
7. A letter from the applicant responding to comments in the Preliminary Decision, dated June 21, 2018.
8. Plans prepared by SLAM Architects, Fuss & O'Neill and Van Zelm Engineers, dated October 16, 2017, last revision date of June 5, 2018:
 - D101: Site Preparation Plan
 - C101: Site Layout & Planting Plan.
 - C501: Site Preparation, Layout & Planting Details
 - C502: Site Preparation, Layout & Planting Details
9. Copy of the Building Permit Referral, dated November 1, 2017, provided by Rick Oliver, Building Inspector.

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The Board reviewed the plan. The meeting was then open to the public. There being no one from the public, a motion was made to close the Public by Michael Mandel and seconded by Kevin Garvey and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Bruce Bond, absent; Kevin Garvey, aye, Blythe Yost, aye, Robert Dell, aye; Stephen Sweeney, aye; and Michael Mandel, aye.

REAFFIRMATION OF SEQRA

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

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 Dave Sliter 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, and having reviewed Plans by prepared by Dave Sliter 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;

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

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

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

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3. The total area of disturbance (a.o.d.) shall be listed on the plans. The a.o.d. shall include all proposed work, i.e. utility trenches, building, fences, curbs, sidewalks, gates, etc.)

4. SESC measures need to be shown on the plan view drawings. Also silt fence need to be added to the plans and details.

5. The Rockland County Highway Department reviewed the plan and provided the following comments:

- The proposed action would have a de-Minimis impact upon the County Highway System. Therefore, the Highway Department poses no objection to the local determination unless major changes are proposed to the development in the future.

6. The Town of Orangetown Bureau of Fire Prevention reviewed the plan and offered the following comments.

- Maintain the current width of the slide gate that is at the North West corner of Building 200, approximately 17 feet.
- Relocate Fire Department Siamese from the present location on the north side of Building 200 to the northwest corner of the building to allow access if the gate is open.
- What is the weight rating for the paver/ concrete path directly in front of Building 200 that runs from north to south and then east to west in front of Building 222?
- There is a fire hydrant located at the northwest corner of Building 222, how will this be accessible to fire apparatus with the new fence in plan (note: there has been a fence installed with no consultation with the Bureau).
- The paver/ concrete path that will be adjacent to the proposed security pavilion at the southwest corner of building 160- this runs west to east and has a fire hydrant on the north side of it. What is the weight rating for this path? Will the pavilion interfere with fire apparatus accessing this path?
- Provide Supra boxes at the proposed slide gate and at the proposed pavilion for fire department access.

7. 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.

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

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9. 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.

10. 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.

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

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12. 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.

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

14. 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).

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

16. 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

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

The foregoing Resolution was made and moved by Kevin Garvey and seconded by Michael Mandel and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Bruce Bond, absent; Kevin Garvey, aye, Blythe Yost, aye, Robert Dell, aye; Stephen Sweeney, aye; and Michael Mandel, 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 25, 2018
Cheryl Coopersmith, Chief Clerk Boards and Commissions
Town of Orangetown Planning Board

Cheryl Coopersmith
2018 AUG - 9 P 1:45
TOWN OF ORANGETOWN

**PB#18-29: Orangetown Commerce
Center Site Plan Amendment**

Permit #45127

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

**Town of Orangetown Planning Board Decision
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**TO: Noelle Wolfson, Hocherman, Tortorella & Wekstein, 1 North
Broadway, Suite 701, White Plains, NY 10601**
FROM: Orangetown Planning Board

RE: Orangetown Commerce Center Site Plan: The application of BF Orangetown LLC, owner, for Prepreliminary/ Preliminary Site Plan Amendment to the Filed Site Plan Review at a site to be known as "**Orangetown Commerce Site Plan Amendment**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 5 Greenbush Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.15, Block 1, Lot 2 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 25, 2016**, the Board made the following determinations:

CCC
8/14/18

Justin Lim, Noelle Wolfson, Nathaniel Burns, William Dahn, John Collins, ~~Roland Biele~~ and Al Rossi, and appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 18, 2018.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, AIA, Director dated July 23 & 25, 2018.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated July 19, 2018.
4. A letter from Brooker Engineering, signed by Kenneth DeGennario, P.E., dated July 25, 2018.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated July 13, 2018.
6. Letters from the Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer dated July 10 & 11, 2018.
7. Letters from the Rockland County Highway Department, signed by Dian Rajasingham, Engineer III dated July 2, 2018 and Joseph Arena dated July 3, 2018.
8. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director dated April 6, 2016.
9. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFiandra, Engineer II dated July 24, 2018.

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10. A letter from Hocherman, Tortorella & Wekstein, signed by Noelle Wolfson, dated June 8, 2018, with attachments:
- a. A letter from Leonard Jackson Associates, from Justin Lim, P.E., dated June 7, 2018,
 - b. A Full Environmental Assessment Form, signed by Alfred Rossi, Vice President, dated June 7, 2018, with an addendum,
 - c. Copies of a letter/ Traffic Study to Noelle Wolfson, Esq., from Maser Consulting, signed by John Collins, Ph.D., P.E., Executive Principal, dated May 23, 2018 and May 29, 2018.
11. Copies of the following Board Decisions: PB #16-62, Final Site Plan Approval Subject to Conditions, dated October 26, 2016 and PB #16-26, Preliminary Site Plan Approval Subject to Conditions, dated May 11, 2016.

12. Site Plans prepared by Leonard Jackson Associates and Langan:

<u>Drawing Description</u>	<u>Original Date</u>	<u>Last Revision Date</u>
1: Title Sheet	1/15/16	5/08/18
2: Layout Plan	1/15/16	5/08/18
3: Grading, Drainage & Utility Plan	1/15/16	5/08/18
4: Sediment and Erosion Control Plan	1/15/16	5/08/18
5A: Landscaping Plan	3/04/16	5/08/18
5B: Landscaping/ Lighting Notes and Details, dated February 8, 2016	3/04/16	5/08/18
5C: Landscaping Plan	5/23/16	5/08/18
6: Lighting Plan	3/04/16	5/08/18
7: Construction Details (1 of 4)	1/15/16	4/15/17
8A: Construction Details (2 of 4)	1/15/16	9/27/17
8B: Construction Details (3 of 4)	8/14/17	
9: Construction Details (4 of 4)	1/15/16	8/14/17
10: Storm Profiles	1/15/16	5/08/18
11: Pond Cross Sections and Sanitary Sewer Profiles	1/15/16	9/27/17
12: Site Cap Plan	1/15/16	5/08/18
13: Boring Location Plan	1/15/16	5/08/18
14: Demolition Plan	1/15/16	5/08/18
15: Snow Management Plan	9/16/16	5/08/18
16: Commercial Subdivision	9/16/16	5/08/18

13. Survey of Property prepared by Jay Greenwell, PLS dated December 18, 2014, last revision date of March 27, 2017: Sheets 1 and Sheets 2.

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14. Architectural Plans prepared by Dahn & Krieger Architects Planners dated May 3, 2018, last revised May 17, 2018, unless noted:

A.01: Proposed Overall Floor Plan and Elevations

A.02: Proposed Partial Floor Plans

A.03: Proposed Partial Floor Plan

A.04: Proposed Elevations

S.01: Foundation Plan, dated May 17, 2018

15. Building Permit Referral dated February 26, 2016 provided by Rick Oliver, Building Inspector.

The Board reviewed the plans. The hearing was then opened to the Public. There being no one from the Public, a motion was made to close the Public Hearing portion of the meeting by Kevin Garvey and seconded by Michael Mandel and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Bruce Bond, absent; Kevin Garvey, aye, Blythe Yost, aye, Robert Dell, aye; Stephen Sweeney, 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 Michael Mandel and seconded by Stephen Sweeney and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Bruce Bond, absent; Kevin Garvey, aye, Blythe Yost, aye, Robert Dell, abstain; Stephen Sweeney, aye; and Michael Mandel, aye, the Board declared itself Lead Agency.

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

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**Town of Orangetown Planning Board Decision
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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Leonard Jackson Associates and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Drainage Agency, Rockland County Sewer District No.1, Rockland County Department of Health, Rockland County Highway Department and having reviewed proposed Site Plan 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;
- 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.

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**Town of Orangetown Planning Board Decision
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On motion by Kevin Garvey and seconded by Michael Mandel and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Bruce Bond, absent; Kevin Garvey, aye, Blythe Yost, aye, Robert Dell, abstain; Stephen Sweeney, aye; and Michael Mandel, 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 a **Preliminary Site Plan Amendment Approval Subject to the Following Conditions:**

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m. Place this as a note on the Site Plan.
4. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: PB #16-62, Final Site Plan Approval Subject to Conditions, dated October 26, 2016, ACABOR #16-56, Approved Subject to Conditions, dated September 8, 2016, ZBA #16-62, Sign and location Variances approved, dated July 6, 2018 and ZBA #16-63, Building Height approved, dated July 6, 2016, and PB #16-26, Preliminary Site Plan Approval Subject to Conditions, dated May 11, 2016.
5. The amended parking calculations reference a Watchman's residence. Please note that a watchman's residence was not submitted as part of the previous approval and is not a permitted accessory use in the LI zoning district. The applicant must obtain approval from the Town of Orangetown Zoning Board of Appeals.
6. The Site Plan shall indicate the size and location of the watchman's residence.
7. The application shall be reviewed by the Town of Orangetown Architecture and Community appearance Board of Review.

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8. The applicant is advised that a separate permit application is to be submitted to OBZPAE for any additional subdivision of space.

9. Full construction plans in compliance with the New York State Building Codes, Rules and Regulations are required to be submitted to OBZPAE for review and approval prior to a Building Permit being issued. No work is to commence until a Building Permit is issued by OBZPAE.

10. Revised sanitary calculations for the proposed Site Plan Amendment, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval.

11. The previously approved SWPPP shall be amended to reflect the amended Site Plan. The revisions shall include but not limited: the introduction, the NOI, the Sign Certifications, including drawings, etc.

12. The amended SWPPP shall also note (and provide calculations) for the reduction of the proposed impervious area. Also, the new stormwater management feature, grass-crete paving, shall also be added to the amended SWPPP in all of the appropriate sections (i.e. Introduction, Construction Sequence, Appendix B, Binder #2, etc.)

13. A revised/ amended Post Construction Stormwater Maintenance Agreement shall be prepared to include the long term management of the grass-crete parking areas.

14. Drainage Review Recommendation: Brooker Engineer, the drainage consultant to the Planning Board offered the following comment: The application has provided sufficient information to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated and recommends that the Orangetown Commerce Center Site Plan be approved for drainage subject to no comments.

Project Description: This is the fourth drainage review report for this project, the last drainage review report was dated September 27, 2017, at which time the consultant approved the project for drainage subject to no conditions. The property is located on the west side of Greenbush Road and south of Highview Avenue. The existing parcel has been mostly cleared with some impervious area remaining from the previous use. The land slopes moderately downhill to the east toward Greenbush Road and there is an existing drainage system at Greenbush Road. The storm drainage system in this area includes three 18" pipes, one 24" pipe, and one 60" pipe that cross Greenbush Road and enters the

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Town of Orangetown Planning Board Decision

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Continuation of Condition #14...

property to the east. For this submission, the applicant's engineer has verified the off-site drainage system and concluded that all off-site runoff from the west travels through the site via the 60 inch RCP near the southern property line, at Stevens Way. The plan includes three separate stormwater management basins to provide mitigation of increases in stormwater runoff. These basins outlet directly to the existing storm drainage system in Greenbush Road. This submission is mostly the same with respect to drainage as the previous submission the consultant approved for drainage. The overall impervious area has a minor decrease (175,619 square feet approved, 175,305 square feet current application) in impervious area. The stormwater management basins are the same size and the overall drainage patterns are the same.

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

- The comments in the July 2, 2018 letter from the Rockland County Department of Highways must be met.
- A review must be completed by the Rockland County Department of Health (RCDOH) to ensure compliance with Article XIX (Mosquito control) of the Rockland County Sanitary Code. In addition, an application must be made to RCDOH for approval of the sewage disposal system per Article IV, Section 4.2.1 of the Rockland Sanitary Code.
- It is not clear if the existing monitoring wells will be removed. If they are to be removed after the clean-up of the site, then the RCDOH must be notified of the intent to decommission the wells and monitor the process to ensure that is done in compliance with the specifications of Article II of the Rockland County Sanitary Code. All required permits must be obtained from RCDOH.
- 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 compliance with the procedures established for redevelopment of the site.
- The proposed monument sign must conform to the Town sign standards.
- Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.

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16. All Rockland County Health Department (RCDOH) approvals have previously been obtained.

17. 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.

18. The Rockland County Highway Department reviewed the plans and offered the following comments:

- The retention basins would have to be maintained properly in order for the successful functioning of the drainage system on the road due to the proposed connection of the road drainage system onto the retention basins. Therefore, the Rockland County Highway Department believes that there shall be a maintenance agreement for the proposed drainage system in the development to establish a sustainable maintenance program.
- The intersection of Western Highway (County Road #15) and Highview Avenue should also be investigated for traffic conditions as part of the traffic study in order to mitigate any traffic impacts as a result of the proposed development. The traffic study should also include the railroad crossing at this intersection as part of the analysis.

19. 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. However, the site appears to be located in close proximity to Sparkill Creek floodplains. Therefore, as an interested and involved agency pursuant to SEQRA, the RCDA offers the following comments on the information submitted:

1. The "Analysis of Existing Conditions" section of the Drainage Report indicates that the site's Hydrological soil type as A/D. However, the Curve Numbers (CN's) for existing conditions represents an average CN of soil types B & C. The runoff calculations must be based on the weighted average of CN and area for each soil. Therefore, please have the applicant conduct site soil tests to determine the specific hydrologic soil type and then revise the stormwater management calculations as necessary.

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**Town of Orangetown Planning Board Decision
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Continuation of Condition #19...

2. The analysis of existing conditions section of the Drainage Report indicates that the existing site condition includes 2.769 acres of impervious areas (roads, concrete & asphalt and 4.172 acres of dirt and gravel areas and 1.361 acres of bush. However, the sites year 2000 aerial view indicates the entire site land cover is bush/wooded and 2007 aerial view indicates mostly bushes/ wooded area, please see the attached pdf's of site's 2000 & 2007 aerial views. If the land cover has changes since the year 2000, please have the applicant indicate the stormwater management facilities installed to achieve no increase in stormwater runoff from 2.769 acres of impervious areas and 4.172 acres of dirt & gravel areas at the site. Also, have the applicant demonstrate that any and all installed stormwater management systems and its conveyance will not be disturbed/ changed as part of the current proposal. Alternatively, please have the applicant use bush/ wooded area as the existing land cover for the entire site and revise the stormwater management calculations as necessary to demonstrate that the proposed development will not result any increase in stormwater runoff from the site for 100-year, 9.0 inch rainfall.
3. The Grading, Drainage and Utility Plan indicates that the proposed stormwater management pond inverts would be approximately 12 feet below the existing grade. Please have the applicant conduct test pits at each of the proposed stormwater management locations to determine the depth to groundwater and demonstrate that the proposed stormwater management facilities would have adequate capacity to mitigate the increase in stormwater runoff from the site for 100-year, 9.0 inch rainfall.
4. The Grading, Drainage and Utility Plan indicates that the proposed project includes three (3) stormwater management ponds; however, it does not indicate any forebay or other pre-treatment systems as necessary to be consistent with the New York State Stormwater Management Design Manual (NYSSMDM). Please have the applicant revise the stormwater management design to be consistent with the current NYSSMDM.

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

- Rockland County Sewer District No. 1
- Rockland County Department of Health
- Rockland County Drainage Agency

21. 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.

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

23. 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.

24. 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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**Town of Orangetown Planning Board Decision
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Continuation of Condition #24....

- 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.

25. 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.

26. 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.

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

28. 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

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**Town of Orangetown Planning Board Decision
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Continuation of Condition #28...

(applicants' engineer's) recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's (applicants engineer's) disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Federal Wetlands - U.S. Army Corps of Engineers).

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

30. 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

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

Overrides:

The Board made a motion to override Conditions #6 and #7 of the July 13, 2018 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

"6. The lighting plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line."

The Board held that the submitted site model does not allow for the actual true readings based on the topography. Therefore, the Planning Board is satisfied with the lighting plan.

A motion to override condition #6 was made and moved by Kevin Garvey and seconded by Michael Mandel and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Bruce Bond, absent; Kevin Garvey, aye, Blythe Yost, aye, Robert Dell, abstain; Stephen Sweeney, aye; and Michael Mandel, aye.

TOWN CLERK'S OFFICE
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PB#18-29: Orangetown Commerce
Center Site Plan Amendment
Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

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Continuation of Overrides...

"7. With regard to the internal subdivision, when the actual flex space square footage is determined for the individual internal lots, the associated required parking spaces must also be assessed and identified to go with each unit."

The Board held that the Planning Board is satisfied with the parking as is based on the prior reviewed and approved submitted plans.

A motion to override condition #7 was made and moved by Kevin Garvey and seconded by Michael Mandel and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Bruce Bond, absent; Kevin Garvey, aye, Blythe Yost, aye, Robert Dell, abstain; Stephen Sweeney, aye; and Michael Mandel, aye.

The foregoing Resolution was made and moved by Kevin Garvey and seconded by Stephen Sweeney and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Bruce Bond, absent; Kevin Garvey, aye, Blythe Yost, aye, Robert Dell, abstain; Stephen Sweeney, aye; and Michael Mandel, 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 25, 2018
Cheryl Coopersmith
Chief Clerk Boards and Commissions
attachment

TOWN OF ORANGETOWN
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TOWN CLERK'S OFFICE

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

PB#18-29: Orangetown Commerce

Permit #45127

Center Site Plan Amendment

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

Town of Orangetown Planning Board Decision

July 25, 2018

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: Orangetown Commerce Center Site Plan Amendment - 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 5 Greenbush Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.15, Block 1, Lot 2 in the LI zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

The project will not have a significant impact upon the environment and a DEIS need not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels or existing external traffic patterns. In addition, it will have no impact upon the aesthetic, agricultural or cultural resources of the neighborhood. No vegetation, fauna or wildlife species will be affected as a result of this proposed action. The proposed action is consistent with the Town of Orangetown'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, RA, AIA, 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 CLERK'S OFFICE
JUL 25 2018
TOWN OF ORANGETOWN

PB#18-30: Orangetown Commerce Center Internal Commercial Subdivision Plan Amendment Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec. Permit #45127

**Town of Orangetown Planning Board Decision
July 25, 2018
Page 1 of 11**

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

RE: Orangetown Commerce Center Internal Commercial Subdivision Plan: The application of BF Orangetown LLC, owner, for Prepreliminary/ Preliminary Site Plan Amendment to the Filed Internal Commercial Subdivision Plan Review at a site to be known as **“Orangetown Commerce Internal Commercial Subdivision Plan Amendment”**, 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 5 Greenbush Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.15, Block 1, Lot 2 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 25, 2016**, the Board made the following determinations:

CCC
08/14/18

Justin Lim, Noelle Wolfson, Nathaniel Burns, William Dahn, John Collins, ~~Roland Biehle~~ and Al Rossi, and appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 18, 2018.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, AIA, Director dated July 23, 2018.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated July 19, 2018.
4. A letter from Brooker Engineering, signed by Kenneth DeGennario, P.E. dated July 25, 2018.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated July 13, 2018.
6. Letters from the Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer dated July 10 & 11, 2018.
7. A letter from the Rockland County Highway Department, signed by Joseph Arena dated July 3, 2018.
8. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFiandra, Engineer II dated July 24, 2018.

TOWN CLERK'S OFFICE

2018 AUG - 9 P 1:49

TOWN OF ORANGETOWN

**PB#18-30: Orangetown Commerce
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9. A letter from Hocherman, Tortorella & Wekstein, signed by Noelle Wolfson, dated June 8, 2018, with attachments:
- a. A letter from Leonard Jackson Associates, from Justin Lim, P.E., dated June 7, 2018,
 - b. A Full Environmental Assessment Form, signed by Alfred Rossi, Vice President, dated June 7, 2018, with an addendum,
 - c. Copies of a letter/ Traffic Study to Noelle Wolfson, Esq., from Maser Consulting, signed by John Collins, Ph.D., P.E., Executive Principal, dated May 23, 2018 and May 29, 2018.
10. A Copy of the following Board Decision: PB #16-63, Final Internal Commercial Subdivision Plan Approval Subject to Conditions, dated October 26, 2016.

11. Site Plans prepared by Leonard Jackson Associates and Langan:

<u>Drawing Description</u>	<u>Original Date</u>	<u>Last Revision Date</u>
1: Title Sheet	1/15/16	5/08/18
2: Layout Plan	1/15/16	5/08/18
3: Grading, Drainage & Utility Plan	1/15/16	5/08/18
4: Sediment and Erosion Control Plan	1/15/16	5/08/18
5A: Landscaping Plan	3/04/16	5/08/18
5B: Landscaping/ Lighting Notes and Details, dated February 8, 2016	3/04/16	5/08/18
5C: Landscaping Plan	5/23/16	5/08/18
6: Lighting Plan	3/04/16	5/08/18
7: Construction Details (1 of 4)	1/15/16	4/15/17
8A: Construction Details (2 of 4)	1/15/16	9/27/17
8B: Construction Details (3 of 4)	8/14/17	
9: Construction Details (4 of 4)	1/15/16	8/14/17
10: Storm Profiles	1/15/16	5/08/18
11: Pond Cross Sections and Sanitary Sewer Profiles	1/15/16	9/27/17
12: Site Cap Plan	1/15/16	5/08/18
13: Boring Location Plan	1/15/16	5/08/18
14: Demolition Plan	1/15/16	5/08/18
15: Snow Management Plan	9/16/16	5/08/18
16: Commercial Subdivision	9/16/16	5/08/18

12. Survey of Property prepared by Jay Greenwell, PLS dated December 18, 2014, last revision date of March 27, 2017: Sheets 1 and Sheets 2.

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TOWN OF ORANGETOWN

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13. Architectural Plans prepared by Dahn & Krieger Architects Planners dated May 3, 2018, last revised May 17, 2018, unless noted:

A.01: Proposed Overall Floor Plan and Elevations

A.02: Proposed Partial Floor Plans

A.03: Proposed Partial Floor Plan

A.04: Proposed Elevations

S.01: Foundation Plan, dated May 17, 2018

14. Building Permit Referral dated February 26, 2016 provided by Rick Oliver, Building Inspector.

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

TOWN CLERK'S OFFICE

2018 AUG -9 P 1:46

TOWN OF ORANGETOWN

**PB#18-30: Orangetown Commerce
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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Leonard Jackson Associates and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Drainage Agency, Rockland County Sewer District No.1, Rockland County Department of Health, Rockland County Highway Department and having reviewed proposed Site Plan 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;
- 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.

TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN

**PB#18-30: Orangetown Commerce
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**Town of Orangetown Planning Board Decision
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On motion by Kevin Garvey and seconded by Michael Mandel and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Bruce Bond, absent; Kevin Garvey, aye, Blythe Yost, aye, Robert Dell, abstain; Stephen Sweeney, aye; and Michael Mandel, 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 a **Preliminary Internal Commercial Subdivision Plan Amendment Approval Subject to the Following Conditions:**

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m. Place this as a note on the Site Plan.
4. The applicant shall comply with all applicable and pertinent conditions of all previous Board Decisions: PB #16-63, Final Internal Commercial Subdivision Plan Approval Subject to Conditions, dated October 26, 2016; ACABOR #16-56, Approved Subject to Conditions, dated September 8, 2016, ZBA #16-62, Sign and location Variances approved, dated July 6, 2016; and ZBA #16-63, Building Height approved, dated July 6, 2016, and PB #16-26, Preliminary Approval Subject to Conditions, dated May 11, 2016.

TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN

**PB#18-30: Orangetown Commerce
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5. The applicant is advised that a separate permit application is to be submitted to OBZPA for any additional subdivision of space.

6. Full construction plans in compliance with New York State Building Codes, Rules and Regulations are required to be submitted to OBZPAE for review and approval prior to a building permit being issued. No work is to commence until a building permit is issued by OBZPAE.

7. Drainage Review Recommendation: Brooker Engineer, the drainage consultant to the Planning Board offered the following comment: The application has provided sufficient information to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated and recommends that the Orangetown Commerce Center Site Plan be approved for drainage subject to no comments.

Project Description: This is the fourth drainage review report for this project, the last drainage review report was dated September 27, 2017, at which time the consultant approved the project for drainage subject to no conditions. The property is located on the west side of Greenbush Road and south of Highview Avenue. The existing parcel has been mostly cleared with some impervious area remaining from the previous use. The land slopes moderately downhill to the east toward Greenbush Road and there is an existing drainage system at Greenbush Road. The storm drainage system in this area includes three 18" pipes, one 24" pipe, and one 60" pipe that cross Greenbush Road and enters the property to the east. For this submission, the applicant's engineer has verified the off-site drainage system and concluded that all off-site runoff from the west travels through the site via the 60 inch RCP near the southern property line, at Stevens Way. The plan includes three separate stormwater management basins to provide mitigation of increases in stormwater runoff. These basins outlet directly to the existing storm drainage system in Greenbush Road. This submission is mostly the same with respect to drainage as the previous submission the consultant approved for drainage. The overall impervious area has a minor decrease (175,619 square feet approved, 175,305 square feet current application) in impervious area. The stormwater management basins are the same size and the overall drainage patterns are the same.

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

- The comments in the July 2, 2018 letter from the Rockland County Department of Highways must be met.
- A review must be completed by the Rockland County Department of Health (RCDOH) to ensure compliance with Article XIX (Mosquito control) of the Rockland County Sanitary Code. In addition, an application must be made to RCDOH for approval of the sewage disposal system per Article IV, Section 4.2.1 of the Rockland Sanitary Code.
- It is not clear if the existing monitoring wells will be removed. If they are to be removed after the clean-up of the site, then the RCDOH must be notified of the intent to decommission the wells and monitor the process to ensure that is done in compliance with the specifications of Article II of the Rockland County Sanitary Code. All required permits must be obtained from RCDOH.
- 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 compliance with the procedures established for redevelopment of the site.
- The proposed monument sign must conform to the Town sign standards.
- Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.

9. All Rockland County Health Department (RCDOH) approvals have previously been obtained.

10. 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.

TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN

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

- Rockland County Sewer District No. 1
- Rockland County Highway Department

12. 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.

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

14. 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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**Town of Orangetown Planning Board Decision
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15. 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.

16. 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.

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

18. 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).

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

20. 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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TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
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21. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

22. 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.

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

Overrides:

The Board made a motion to override Conditions #6 and #7 of the July 13, 2018 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

“6. The lighting plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.”

The Board held that the submitted site model does not allow for the actual true readings based on the topography. Therefore, the Planning Board is satisfied with the lighting plan.

A motion to override condition #6 was made and moved by Kevin Garvey and seconded by Michael Mandel and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Bruce Bond, absent; Kevin Garvey, aye, Blythe Yost, aye, Robert Dell, abstain; Stephen Sweeney, aye; and Michael Mandel, aye.

“7. With regard to the internal subdivision, when the actual flex space square footage is determined for the individual internal lots, the associated required parking spaces must also be assessed and identified to go with each unit.”

The Board held that the Planning Board is satisfied with the parking as is based on the prior reviewed and approved submitted plans.

TOWN OF ORANGETOWN
2018 AUG - 9 P 1:49
TOWN CLERK'S OFFICE

**PB#18-30: Orangetown Commerce
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**Town of Orangetown Planning Board Decision
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Overrides Continued....

A motion to override condition #7 was made and moved by Kevin Garvey and seconded by Michael Mandel and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Bruce Bond, absent; Kevin Garvey, aye, Blythe Yost, aye, Robert Dell, abstain; Stephen Sweeney, aye; and Michael Mandel, aye.

The foregoing Resolution was made and moved by Michael Mandel and seconded Blythe Yost and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Bruce Bond, absent; Kevin Garvey, aye, Blythe Yost, aye, Robert Dell, abstain; Stephen Sweeney, aye; and Michael Mandel, 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 25, 2018
Cheryl Coopersmith
Chief Clerk Boards and Commissions
attachment**



TOWN OF ORANGETOWN
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TOWN CLERK'S OFFICE

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

PB#18-30: Orangetown Commerce

Permit #45127

Center Internal Commercial Subdivision Plan Amendment

Preliminary Subdivision Plan Approval

Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

July 25, 2018

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: Orangetown Commerce Center Internal Commercial Subdivision Plan Amendment Preliminary Subdivision Plan Approval

Subject to Conditions/ Neg. Dec. SEQR STATUS: Type I _____

Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Internal Commercial Subdivision

LOCATION: The site is located at 5 Greenbush Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.15, Block 1, Lot 2 in the LI zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

2018 AUG - 9 P 1:46

TOWN OF ORANGETOWN