

**Meeting of June 12, 2019
Town of Orangetown Planning Board**

MEMBERS PRESENT: Thomas Warren, Chairman; William Young, Vice-Chairman; Michael Mandel; Mike McCrory and Bruce Bond

MEMBERS ABSENT: Stephen Sweeney, Robert Dell and Blythe Yost

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

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

Schelin Resubdivision Plan	PB#19-38
Request for Two 90 day Extensions to File the Subdivision Plat with the Rockland County Clerk's Office 65 & 75 Lawrence Street, Tappan 77.15/3/14 & 15; R-15 zoning district	Granted Two 90 Day Extensions to file the Plat at the Rockland County Clerk's Office

<u>Continued Item from the December 12, 2018 Meeting:</u>	
Greater Hudson Bank Site Plan Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review 170 Erie Street, Blauvelt 70.14/4/10; CC zoning district	PB #18-47 Final Site Plan Approval Subject to Conditions

<u>Continued Item from the January 9, 2019 Meeting:</u>	
Little Bucs Youth Sport Training Field Grading/Site Plan Prepreliminary/Preliminary/ Final Grading/Site Plan and SEQRA Review 215 & 245 and 247& 257 Oak Tree Road, Tappan 77.15/1/31 and 77.20/1/1; LIO zoning district	PB #19-01 Continued to the June 26th Meeting

<u>Continued Item from the May 22, 2019 Meeting:</u>	
361 Blauvelt Road Tree Remediation Plan Prepreliminary/ Preliminary/ Final Tree Remediation Plan and SEQRA Review 361 Blauvelt Road, Blauvelt 69.16/2/33; R-15 zoning district	PB #19-33 Final Tree Remediation Plan Approval Subject to Conditions/ Neg. Dec.

<u>New Items:</u>	
Project Sycamore Data Center Site Plan Amendment to Preliminary Site Plan and Hours of Construction Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review 75 Third Avenue, Orangeburg 73.08/1/1, 3 & 4; RPC - OP zoning district	PB #19-35 Amendment to Final Site Plan Approval Subject to Conditions/ Reaffirmation of SEQRA Hours of Construction Approved Subject to a Condition

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**Meeting of June 12, 2019
Town of Orangetown Planning Board**

Henry Kaufmann Campground, Inc. Master Plan PB #19-36
Amendment to PB #17-58 & PB #13-23 **Postponed**
Prepreliminary/ Preliminary Master Plan **by Applicant**
Master Plan and SEQRA Review
667 Blauvelt Road, Pearl River
69.14/1/28 & 69.10/2/21; R-80 zoning district

Henry Kaufmann Campground, Inc. Site Plan PB #19-37
Amendment to PB #17-59 **Postponed**
Prepreliminary/ Preliminary Site Plan **by Applicant**
and SEQRA Review
667 Blauvelt Road, Pearl River
69.14/1/28 & 69.10/2/21; R-80 zoning district

Other Business – Quinlan Minor Resubdivision, PB #19-15, dated March 15 2019: The applicant requested the Board to waive appearance/approval from the Town of Orangetown Architecture and Community Appearance Board of Review since there will be no new construction on the reconfigured lots.

A motion was made to waive the need to appear in front of the Town of Orangetown Architecture and Community Appearance Board of Review by Bruce Bond and second by William Young and carried as follows: Thomas Warren - Chairman, aye; William Young - Vice Chairman, aye; Robert Dell, absent; Bruce Bond, aye; Michael McCrory, aye; Blythe Yost, absent; Stephen Sweeney, absent and Michael Mandel, aye.

The decisions of the May 22, 2019 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Bruce Bond and seconded by Michael Mandel and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice-Chairman, aye; Michael Mandel, aye; Stephen Sweeney, absent; Mike McCrory, aye; Bruce Bond, aye; Robert Dell, absent and Blythe Yost, absent.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Bruce Bond and seconded by Michael Mandel and agreed to by all in attendance. The meeting was adjourned at 9:45 p.m. The next Planning Board meeting is scheduled for June 26, 2019.

DATED: June 12, 2019



Cheryl Coopersmith, Chief Clerk Boards and Commissions

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PB #19-38: Schelin Resubdivision Plan: Granted Two 90 Day Extensions to File the Subdivision with the Rockland County Clerk's Office

Town of Orangetown Planning Board Decision

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TO: John Carroll, 50 Lawrence Street, Tappan, New York
FROM: Town of Orangetown Planning Board

RE: Schelin Resubdivision Plan: The application of Leslie Schelin and The Robert Schelin Living Trust, owners, for a Request for Two 90 Day Extensions to File the Subdivision Plat with the Rockland County Clerk's Office, at a site to be known as "**Schelin Resubdivision 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. The site is located at 65 and 75 Lawrence Street, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.15, Block 3, Lots 14 & 15 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, June 12, 2019**, at which time the Board made the following determinations:

The Board received the following communications:

1. Project Review Committee Report dated June 5, 2019.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated June 7, 2019.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 6, 2019.
4. A letter from John Carroll dated May 29, 2019.
5. A copy of PB#18-33, Final Resubdivision Plan Approval Subject to Conditions, dated September 12, 2019.
6. Subdivision Plans prepared by CivilTec, dated May 18, 2018, last revised January 25, 2019.

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

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

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PB #19-38: Schelin Resubdivision Plan: Granted Two 90 Day Extensions to File the Subdivision with the Rockland County Clerk's Office

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DECISION: In view of the foregoing, the Board **Granted Two 90 Day Extensions to File the Subdivision Plan with the Rockland County Clerk's Office, subject to the following condition:**

1. The location of the existing sanitary house connections for both lots shall be given on the plans.
2. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plans and Board Decisions prior to signing the Preliminary plans.
3. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.

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

The Clerk of 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 this Office of the Planning Board.

Dated: June 12, 2019
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown Planning Board



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TOWN CLERK'S OFFICE

**PB#18-47: Greater Hudson Bank Site Plan
Final Site Plan Approval Subject
to Conditions/ Neg. Dec.**

Permit #48116

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**TO: John Atzl, Atzl, Nasher & Zigler, 234 North Main Street, New
City, New York 10956**
FROM: Orangetown Planning Board

RE: Greater Hudson Bank Site Plan: The application of Dan Rifkin, applicant for 170 East Erie Street, LLC, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site known as “**Greater Hudson Bank Site Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 170 Erie Street, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.14, Block 4, Lot 10 in the CC zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, December 12, 2018 and June 12, 2019** the Board made the following determinations:

December 12, 2018

John Atzl and Dan Rifkin appeared and testified.

The Board received the following communications:

1. A Project Review Committee Review dated December 5, 2018.
- An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R. A., A.I.A., Director, dated December 10, 2018.
2. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated December 6, 2018.
3. A letter from Brooker Engineering signed by Kenneth DeGennaro, P.E., dated December 4, 2018.
4. A letter from the Rockland County Department of Highways, signed by Dyan Rajasingham, Engineer II, dated October 24, 2018.
5. Letters from the Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated December 11, 2018.
6. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer I, dated December 4, 2018.
7. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chairman, dated November 7, 2018.
8. Project Narrative prepared by Atzl, Nasher & Zigler, dated September 11, 2018.

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9. A Short Environmental Assessment Form, signed by John Atzl dated September 11, 2018.
10. Plans prepared by Atzl, Nasher & Zigler dated August 15, 2018, revised October 16, 2018:
 - Drawing #1: Site Development Plan
 - Drawing #2: Existing Site
 - Drawing #3: Landscaping Plan
11. A Building Permit Referral dated September 25, 2018 prepared by Rick Oliver, Building Inspector.

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

The applicant requested a **CONTINUATION**.

June 12, 2019

John Atzl, Brian Quinn and Dan Rifkin appeared and testified.

The Board received the following communications:

1. A Project Review Committee Review dated June 5, 2019.
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 June 11, 2019.
2. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 6, 2019.
3. A letter from Brooker Engineering signed by Kenneth DeGennaro, P.E., dated June 12, 2019.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated June 11, 2019.
5. A letter from the Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated June 5, 2019.
6. Plans prepared by Atzl, Nasher & Zigler dated August 15, 2018, revised March 5, 2019:
 - Drawing #1: Site Development Plan
 - Drawing #2: Existing Site
 - Drawing #3: Landscaping Plan

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

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

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Atzl, Nasher & Zigler and having heard from the following offices, officials and/or Departments: (Town of Orangetown): 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: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District No.1, Rockland County Department of Highway, Rockland County Department of Health, Rockland County Department of Planning, and having reviewed proposed Site Plan by prepared by Atzl, Nasher & Zigler 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;

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- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

On motion by Bruce Bond and seconded by Michael Mandel and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice-Chairman, aye; Michael Mandel, aye; Stephen Sweeney, absent; Mike McCrory, aye; Bruce Bond, aye; Robert Dell, absent and Blythe Yost, absent, 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. Final Approval with Conditions is granted, however, after appearing at the Town of Orangetown Architecture and Community Appearance Board of Review, the applicant shall return to the Planning Board as "Other Business" to review the Final Plan.
2. For safety reasons, the site plan shall be revised to include bollards along the south side of the parking lot.
3. 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".
4. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

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5. 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.

6. Submission to the Town of Orangetown Zoning Board of Appeals is required for the following variances:

The property is in the Route 303 Overlay district, per Chapter 43, Article XIII, section 13.10. Nonresidential areas:

- (B)(2) A twenty-five-foot wide vegetated buffer shall be located along the property line adjacent to the Route 303 right-of-way. The Planning Board shall not have the authority to reduce the front, side or rear yard requirements of said buffer; only the Zoning Board of Appeals shall have such authority after review and consideration of the provisions of this ordinance.
- (B)(10) Not more than 35% of all parking shall be located within the front yard of any lot or parcel. The balance of the parking and all loading and unloading shall be located in the rear or side yard of the premises.
- Chapter 43, Article III, Table 3.11, column 5, number 4, location of signs:
(d) sign not attached to a building shall be set back at least 25 feet from the lot line, with 5 feet proposed.

7. The project shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.

8. The current plan proposes two macadam swales to carry stormwater flow to the existing catch basin at the southeast corner of the existing parking area along Route 303. Curbing must be installed along both sides of both macadam swales in order to prevent mulch/ silt/ debris/ etc. from entering the drainage system and or clogging up the basin. Details for same shall be added to the drawings.

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9. Soil erosion and sediment control plans and details shall be added to the drawings.

10. Curbing must be proposed along all new the new planting areas. This will help prevent mulch/ soil/ debris/ etc. from entering the onsite stormwater system.

11. Drainage Review Recommendation – Brooker Engineering

The applicant is maintaining the existing drainage patterns and removing impervious surfaces on the site, thereby reducing stormwater runoff. There are no potential significant adverse impacts with respect to drainage that require mitigation as a result of this project. Brooker Engineering, the Planning Board Drainage Consultant, therefore recommends that the Greater Hudson Bank be approved for drainage subject to no conditions.

This is the second drainage review report for this project. The site is located at the northwest corner of the intersection of Route 303 and Erie Street. The existing building is to remain with no expansion or exterior modification. The site work has an overall disturbance of 4,100 square feet and is limited to the eastern portion of the property with a reduction in pavement and new landscaping along Route 303. The drainage consultant notes that the parking lot was recently resurfaced at the time of their site visit. The existing drainage patterns are being maintained and there are no stormwater mitigation measures proposed.

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

- A review must be completed by the New York State Department of Transportation, and any comments or concerns addressed, and all required permits obtained.
- The Town of Orangetown Planning Board should review all of the criteria for the Route 303 Overlay Zoning District, as stated in Article XIII of the Zoning Ordinance to ensure that as many of the criteria as possible are implemented.
- As indicated in the June 5, 2019 letter from the Rockland County Health Department, if changes are to be made to the existing storm water management system, then an application is to be made to the Rockland County Health Department for review for compliance with the County Mosquito Code.

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Continuation of Condition #12...

- If any variances are needed to implement the proposed site plan, the Rockland County Department of Planning requests the opportunity to review the proposed variances, as required by New York State General Municipal Law, Section 239-m(3)(v).

13. The Rockland County Health Department reviewed the information provided and found that should changes to the existing storm water management system be proposed, application is to be made to the Rockland County Health Department for review for compliance with the County Mosquito Code.

14. The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.

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

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

16. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans and Board Decisions prior to signing the Preliminary plans.

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

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

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Continuation of Condition #18...

- 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 Preliminary approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

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

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

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

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

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

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

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

26. 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.

Override

The Board made a motion to override Condition #3 of the June 11, 2019 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

“#3. It must be demonstrated that the intensity of the existing lighting is less than 0.1 lumens at the property line. A lighting plan shall be provided that shows fields of illumination.”

The Board held that the site is an existing improved site with lighting and that there will be no changes to the existing lighting.

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

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

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: June 12, 2019
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown Planning Board

Attachment



TOWN CLERK'S OFFICE
2019 JUN 27 A 11:58
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**PB#18-47: Greater Hudson Bank Site Plan
Final Site Plan Approval Subject
to Conditions/ Neg. Dec.
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Permit #48116

**NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

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

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

**NAME OF ACTION: Greater Hudson Bank Site Plan
Final Site Plan Approval Subject to Conditions/ Neg. Dec.**
SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 170 Erie Street, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.14, Block 4, Lot 10 in the CC zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

For Type I Actions and Conditioned Negative Declarations, a copy of this notice Conservation, - Region 3 Headquarters, NYSDEC, - Town Supervisor, Applicant,

TOWN CLERK'S OFFICE

2019 JUN 27 A 11:58

TOWN OF ORANGETOWN

**PB #19-33: 361 Blauvelt Road Tree Remediation Plan
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

**Town of Orangetown Planning Board Decision
June 12, 2019
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**TO: Sami Muhametaj, 361 Blauvelt Road, Blauvelt,
New York 10913**
FROM: Orangetown Planning Board

RE: 361 Blauvelt Road Tree Remediation Plan: The application of Sami Muhametaj, owner for Prepreliminary/ Preliminary/ Final Tree Remediation Plan, at a site to be known as “**361 Blauvelt Road Tree Remediation 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 361 Blauvelt Road, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map: Section 69.16, Block 2, Lot 33; in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, May 22 and June 12, 2019** at which time the Board made the following determinations:

May 22, 2019

Sami Muhametaj and Dwight Joyce appeared and testified.

Jane Slavin, Director, Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, recused herself from the proceeding of this item.

The Board received the following communications:

1. A Project Review Report dated May 15, 2019.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Rick Oliver, Deputy Building Inspector, dated May 16, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 21, 2019.
4. A Short Environmental Assessment Form, signed by Sami Muhametaj dated April 30, 2019.
5. A Narrative submitted by the applicant with photographs of the site.
6. Tree Remediation Plans prepared by the applicant.
7. Two emails from Liliane Griffen dated May 15 & 21, 2019.

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

Public Comment:

Annette Miller, 357 Blauvelt Road, Blauvelt, noted that before the work was done, there was a water problem that impacted her mother's house, however, now there is a significant amount of more water. Also, Ms Miller wanted to know if the new pipes on the site were constructed correctly.

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Carl Dornbush, 3 Terry Lane, Blauvelt, lives across the street. He noted that there has always been a moisture problem in the neighborhood. The improvements at project site have enhanced the problem. Mr. Dornbush held that the applicant's property has added a nice appearance to the neighborhood. He was also concerned with lasting pooling on the site and mosquitos.

Sean Eduway, 2 Terry Lane, Blauvelt, confirmed Mr. Dornbush statements. He stated that the improvements to the house are good. However, in the last 10 years his property floods more, which has nothing to do with applicant's site.

The applicant requested a **CONTINUATION**.

June 12, 2019

Sami Muhametaj and Dwight Joyce appeared and testified.

Jane Slavin recused herself and Rick Oliver participated.

The Board received the following communications:

1. A Project Review Report dated June 17, 2019.
2. A Report on the project site prepared by Rick Oliver, Deputy Building Inspector dated June 6, 2019.

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

Public Comment:

Annette Miller, 357 Blauvelt Road, raised concerns regarding the water puddling on her mother's and neighbors property. She wanted to know how to remedy the situation. Ms Miller also questioned the placement of the piping on the site.

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

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A motion was made to reopen the Public comments by Bruce Bond and seconded by Michael Mandel and carried as follows: Thomas Warren – Chairman, aye; William Young - Vice Chairman, aye; Robert Dell, absent; Bruce Bond, aye; Blythe Yost, absent; Michael McCrory, aye; Stephen Sweeney, absent and Michael Mandel, aye.

Annette Miller, 357 Blauvelt Road, representing her mother, an abutting property owner, raised concerns regarding the sloping of the driveway into the storm drain, she believes that the applicant changed the location of the drain.

A motion was made to close the Public comments by Bruce Bond and seconded by Michael Mandel and carried as follows: Thomas Warren – Chairman, aye; William Young - Vice Chairman, aye; Robert Dell, absent; Bruce Bond, aye; Blythe Yost, absent; Stephen Sweeney, absent; Michael Mandel, aye and Michael McCrory, aye.

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the Applicant and having heard from the following offices, officials and/or Departments: (Town of Orangetown): 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 agency; Rockland County Sewer District No.1, and a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

On motion by Bruce Bond and seconded by Michael Mandel and carried as follows: Thomas Warren - Chairman, aye; William Young - Vice Chairman, aye; Bruce Bond, aye; Robert Dell, absent; Bruce Bond, aye; Stephen Sweeney, absent; Blythe Yost, absent; Michael McCrory, 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 wood chips/ mulch shall be removed to allow water to flow, along the east property line along the fence, starting at the trampoline and down towards the rear of the site, as noted on the revised plan.
2. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."

TOWN CLERK'S OFFICE
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**PB #19-33: 361 Blauvelt Road Tree Remediation Plan
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**Town of Orangetown Planning Board Decision
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3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.
4. The report from the Deputy Building Inspector offered the following comments:
 - After observing several trees on the property, general conditions and the neighbor's grade, it was determined that the grade was not raised significantly enough to affect any of the neighbor's property. It was believed that dirt was brought in to fill in divots and level off any low spots in the yard.
 - Observed mulch installed approximately 6 – 8" high by 30" wide around the perimeter of the yard, against the fence. The owner stated that this was so his children would use the mulch as a walk to get around the yard. It is believed that the mulch serves the purpose of slowing down the water flow coming from the property to the east, in a westerly direction.
 - Observed drainage pipes installed in the rear yard just below the surface, in a large "Y" formation to collect water coming in from the east, and then directing the water to the neighbor's yard to the west of the property.
5. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
6. 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.
7. **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:

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Continuation of Condition # 7...

- 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 Preliminary 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.

8. 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.

9. 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.

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JUN 27 11:58 AM 2019
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10. If the applicant, during the course of construction of any required public improvements or private sanitary or storm sewer improvements, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant (or the applicant's engineer) shall submit their recommendations as to the special treatment or design modification to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's (applicant's engineer's) recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's (applicant's engineer's) disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Federal Wetlands - U.S. Army Corps of Engineers).

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

12. 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

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

The foregoing Resolution was made and moved by Bruce Bond and seconded by Michael Mandel and carried as follows: Thomas Warren - Chairman, aye; William Young - Vice Chairman, aye; Robert Dell, absent; Bruce Bond, aye; Michael McCrory, aye; Blythe Yost, absent; Stephen Sweeney, absent 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: June 12, 2019
Cheryl Coopersmith, Chief Clerk Boards and Commissions
Town of Orangetown Planning Board

Attachment



TOWN CLERK'S OFFICE
2019 JUN 27 A 11:58
TOWN OF ORANGETOWN

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

**PB #19-33: 361 Blauvelt Road Tree Remediation Plan
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Town of Orangetown Planning Board Decision**

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

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

**NAME OF ACTION: 361 Blauvelt Road Tree Remediation Plan
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

SEQR STATUS: Type I _____
Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____
No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 361 Blauvelt Road, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.16, Block 2, Lot 33 in the R-15 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

TOWN OF ORANGETOWN
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TOWN CLERK'S OFFICE

**PB#19-35: Project Sycamore Data Center Site Plan
Amendment to the Final Site Plan Review and
Hours of Construction
Subject to Conditions**

Permit # 46407

**Town of Orangetown Planning Board Decision
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**TO: JPMorgan, 237 Park Avenue, 12th Floor, NY, NY
FROM: Orangetown Planning Board**

RE: Project Sycamore Data Center Site Plan Amendment: The application of JPMorgan Chase, National Associates, owner, for an Amendment to the Final Site Plan Review and Hours of Construction for Prepreliminary/ Preliminary/ Final Site Plan at a site to be known as “**Project Sycamore Data Center 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 on Convent Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.08, Block 1, Lots 1, 3 & 4 in the RPC-OP zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, June 12, 2019**, the Board made the following determinations:

Robert Foley, Brian Quinn, Roland Biehle and Edward Hesselbacher appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated June 5, 2019.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A. AIA, Director, dated June 7, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 6, 2019.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated June 12, 2019.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated May 28, 2019.
6. A letter from the Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated May 20, 2019.
7. A letter from the Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated June 5, 2019.
8. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFiandra, Engineer II, dated May 10, 2019.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chair, dated May 1, 2019.

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TOWN OF ORANGETOWN

**PB#19-35: Project Sycamore Data Center Site Plan
Amendment to the Final Site Plan Review and
Hours of Construction
Subject to Conditions**

Permit # 46407

**Town of Orangetown Planning Board Decision
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10. A letter from Dewberry Engineers, signed by Robert Foley, P.E., Senior Associate, dated April 19, 2019.
11. A Short Environmental Assessment Form, signed by Robert Foley, P.E., dated April 25, 2019.
12. A Project Narrative, prepared by Dewberry Engineering, dated April 25, 2019.
13. A copy of the following Board Decision: PB #17-33, Final Site Plan Approval Subject to Conditions, dated June 28, 2017.
14. Site Plans prepared by ch2m, Dewberry Engineers and Hope Furrer, dated April 20, 2017, last revision date of April 19, 2019:
 - C001: Cover Sheet
 - C200: Overall Grading Plan
 - C201: Grading Plan – A
 - C202: Grading Plan – B
 - C203: Grading Plan – C
 - C204: Grading Plan – D
 - C205: Grading Plan – E
 - C206: Grading Plan – F
 - C207: Grading Plan – G
 - C208: Grading Plan – H
 - C300: Overall Utility Plan
 - C301: Utility Plan – A
 - C302: Utility Plan – B
 - C303: Utility Plan – C
 - C304: Utility Plan – D
 - C305: Utility Plan – E
 - C306: Utility Plan – F
 - C307: Utility Plan – G
 - C308: Utility Plan – H
15. Submitted at the Meeting, a plan prepared by ch2m, Dewberry Engineers and Hope Furrer, dated June 6, 2019, entitled "Section A-A Thru Detention Pond (Grading Plan B).
16. Stormwater Pollution Prevention Plans prepared by Dewberry Engineers, dated May 26, 2017, last revision date April 19, 2019:
 - C400.1: Cover Sheet
 - C407: Phase 7A & 7B

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

Public Comment:

Johanna Killian, 360 Convent Road; Blauvelt, raised concerns regarding the noise and vibration from the construction site. Her property is damaged along the front yard and lamps in her house have fallen down. Other neighbors have suffered through the construction, as well.

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**PB#19-35: Project Sycamore Data Center Site Plan
Amendment to the Final Site Plan Review and
Hours of Construction Subject to Conditions**

Permit # 46407

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There being no one else from the Public, a motion was made to close the Public Hearing portion of the meeting by Bruce Bond and seconded by William Young and carried as follows: Thomas Warren - Chairman, aye; William Young - Vice Chairman, aye; Robert Dell, absent; Bruce Bond, aye; Michael McCrory, aye; Blythe Yost, absent; Stephen Sweeney, absent 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 Dewberry Engineers and Hope Furrer and the Town of Orangetown's engineering consultant, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies, Rockland County Department of Planning, Rockland County Department of Highway, Rockland County Department of Health, Rockland County Drainage Agency and Town of Orangetown Zoning Board of Appeals, 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 Michael Mandel and seconded by Bruce Bond and carried as follows: Thomas Warren - Chairman, aye; William Young - Vice Chairman, aye; Robert Dell, absent; Bruce Bond, aye; Michael McCrory, aye; Blythe Yost, absent; Stephen Sweeney, absent and Michael Mandel, aye the Board Reaffirmed the Negative Declaration pursuant to SEQRA.

ACABOR: A motion was made to waive the need to appear in front of the Town of Orangetown Architecture and Community Appearance Board for review. by Bruce Bond and second by Michael Mandel and carried as follows: Thomas Warren - Chairman, aye; William Young - Vice Chairman, aye; Robert Dell, absent; Bruce Bond, aye; Michael McCrory, aye; Blythe Yost, absent; Stephen Sweeney, absent and Michael Mandel, aye.

DECISION: In view of the foregoing and the testimony before the Board, the application to **Change the Hours of Construction was granted Subject to the Following Condition:**

1. The Board approved construction in the building interior no later than 11:00 p.m., with minimal noise.

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

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DECISION: In view of the foregoing and the testimony before the Board, the application was granted **Amendment to the Final Site Plan Review 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 applicant is proposing an amendment to the previously approved site plan in order to address required regrading due to the need to retain excess soil generated from NYSDEC Brownfield program parameters. Remainder of the site work is to remain the same and applicant has indicated that there will be no change in the drainage patterns.
3. The applicant shall comply with all prior pertinent and applicable Board Decisions: PB#17-33, Final Site Plan Approval Subject to Conditions, dated June 28, 2017; ZBA #17-47, Zoning Board of Appeals Variance, dated June 21, 2017; PB #17-24, Preliminary Site Plan Approval Subject to Conditions, dated May 24, 2017 and ACABOR #17-22, Approved Subject to Condition, dated June 8, 2017.
4. An addendum to the approved SWPPP shall be provided for review and approval. The addendum shall be numbered and dated and shall include a revised Table of Contents, if necessary, a Narrative Statement describing all of the changes proposed by the amendment and how the amendment affects the over drainage design (positively/ negatively/ no change), a description of how the amendment affects the proposed phasing of the project, a summary of the change in the total area of disturbance for the phases affected, a revised Section 3.2 During Construction Activities, where the SWPPP spells out the planned work in each phase, a revised Disturbance Total table, currently found on page 12 of the SWPPP, revised soil erosion and sediment control plans, additional details in conjunction with the revised SESC plans, updated/ revised Appendix G, if necessary, etc.

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5. Drainage Review – Brooker Engineering

The applicant has provided a significant stormwater management facility that can provide a zero net increase in peak stormwater runoff rates and Brooker Engineering have no new comments for the amended Site Plan application. The project can mitigate potential significant adverse impacts with respect to stormwater quantity and quality. The Planning Board Drainage Consultant, Brooker Engineering, therefore recommends that the Project Sycamore Data Center Site Plan be approved for drainage subject to **no conditions**.

This is the fifth drainage review report for this project; the last drainage review was dated June 12, 2018, at which time the Drainage Consultant approved the project for drainage with no conditions. The 60.96 acre site is located at Rockland Psychiatric Center and is bounded by Convent Road to the north, 3rd Avenue to the west, 1st Avenue to the east, and Oak Street on the south. The 60.96 acre site has approximately 17.8 acres of impervious area under existing conditions and slopes downhill to the west. A 3.4 acre stormwater management facility is proposed at the southwest corner of the site and provides 12.5 acre feet of storage for the 100-year design storm. One 36-inch pipe conveys the outfall from the stormwater management basin to an existing on-site drainage pipe.

The approved drainage analysis utilizes 15.45 acres of impervious area and an additional 5.36 acres of impervious area under future build out conditions for a total impervious area of 20.81 acres. The drainage calculations show the proposed basin will reduce 100-year discharges by 57.49 cfs, 52.43 cfs, and 42.46 cfs at the three points of interest along the west side of the property. The detention basin stores 12.48 acre feet of stormwater under the 100-year recurrence interval storm. This provides storage for approximately 7.2 inches of rainfall runoff over the new impervious areas.

Project Description – Amended Site Plan

The current application proposes two areas of disturbance for this scope of work. This first area consists of a new soil stockpile at the southeast corner of the site that is created from excavated material on site. This area will be vegetated and planted; no new impervious area is being added from the original approved plan and the drainage pattern is being maintained. The second area is a change in the proposed finished grading at the northwest corner of the site. No new impervious area is being added from the original approved plan and the drainage pattern is being maintained.

The area of the southeast stockpile is located in the “future build-out” area of the original design. The stormwater management area has been designed with sufficient volume to accommodate additional impervious area at this location and none is proposed for this application. The original approved plan had two sets of outlet control openings based on the proposed conditions and future build out conditions. The applicant shall ensure the outlet control configuration corresponding to the proposed plan is constructed.

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

- An updated review must be completed by the County of Rockland Department of Highways and all concerns addressed and all required permits obtained.
- An updated review must be completed by the Rockland County Department of Health, and all required permits obtained.
- An updated review by (the Town fire inspector and/ or) the Rockland County Office of Fire and Emergency Services must review the Site Plan, and any comments addressed.
- Prior to any start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- Give the extensive regrading of the site, cross-sections and/or site profiles should be provided, especially in the area where the walls are very high and the regrading is considerable. This will provide better visuals of the Final topography of the site.

7. Rockland County Highway Department (RCHD) offered the following comments for consideration:

- The changes identified in the site plan have no significant impacts on the adjacent County Road. The RCHD has no objection to the local determination
- An amended road work permit shall be obtained from the RCHD for the proposed changes in the grading plans when they are approved. The applicant shall provide all the applicable documents along with a permit application form in order to apply for the above noted permit.

8. 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.

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

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

9. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans and Board Decisions prior to signing the Preliminary plans.

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

11. 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 Preliminary 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.

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

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

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

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

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

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

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

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

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Override

The Board made a motion to override Condition #6 of the May 28, 2019 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

“6. Some of the retaining walls are very extensive and are over 10 feet in height, and as high as 16’. Terracing must be considered to help break up the massive wall structures. In addition, the walls should be screened by vegetation or faced with wood, stone or other earth colored materials that blend with the surrounding natural landscape to abate the visual impact of the walls, especially those walls in area visible to adjacent neighbors or the public. Lastly, retaining walls that are over (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.”

The Board held that the retaining walls were designed, permitted and constructed under the prior Site Plan Approval.

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

The foregoing Resolution was made and moved by Bruce Bond and seconded by William Young and carried as follows: Thomas Warren – Chairman, aye; William Young - Vice Chairman, aye; Robert Dell, absent; Bruce Bond, aye; Michael McCrory, aye; Blythe Yost, absent; Stephen Sweeney, absent 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: June 12, 2019
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown Planning Board
Attachment



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

**PB#19-35: Project Sycamore Amendment
Town of Orangetown Planning Board Decision
June 12, 2019**

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

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

NAME OF ACTION: Project Sycamore Amendment to the Final Site Plan Approval Subject to Conditions

SEQR STATUS: Type I _____
Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____
No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at on Convent Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.08, Block 1, Lots 1, 3 & 4 in the RPC-OP zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

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