

**Meeting of June 13, 2018
Town of Orangetown Planning Board**

MEMBERS PRESENT; Thomas Warren, Chairman, Kevin Garvey, Michael Mandel, Robert Dell, Blythe Yost and Bruce Bond

MEMBERS ABSENT: William Young, Vice-Chairman, Stephen Sweeney and Robert Dell

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:

Continued Item from May 23, 2018 Meeting:

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

Item:

Pearl River Campus – Building B205 **PB #18-22**
Prepreliminary/ Preliminary Internal **Final Subdivision Plan**
Commercial Subdivision Plan **Approval Subject**
and SEQRA Review **to Conditions/ Neg. Dec.**
401 North Middletown Road, Pearl River
68.08-1-1; LI zoning district

Other Business:

1. Town Board Referral - Proposed zone change from R-80 to LIO; 37 Hunt Avenue, Orangeburg.

- The Town Board requested lead agency status and comments for a proposed zone change from R-80 to LIO; 37 Hunt Avenue, Orangeburg.

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Other Business Continued....

A motion was made to consent to the Town Board acting as Lead Agency for SEQRA review and moved by Kevin Garvey and seconded by Blythe Yost and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, absent; Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, aye; Robert Dell, absent; Stephen Sweeney, absent and Blythe Yost, aye.

The Board offered the following comments for Town Board consideration:

- The Board should consider the definition of what an animal hospital is and the impact to the character of the surrounding neighborhood:
 - Traffic on Hunt Road and surrounding roadways
 - Emergency services
 - Overnight boarding
 - Long term boarding
 - Number of animals at the facility

2. Town Board Referral: Lead Agency Request and Board Comment for a Proposed Local Law Amending Chapter 14C of the Town Code regarding Commercial Filing in the Town of Orangetown

- The Town Board requested lead agency status and comments for a proposed Local Law Amending Chapter 14C. A motion was made to consent to the Town Board acting as Lead Agency for SEQRA review and moved by Kevin Garvey and seconded by Michael Mandel and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, absent; Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, aye; Robert Dell, absent; Stephen Sweeney, absent and Blythe Yost, aye.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Kevin Garvey and seconded by Bruce Bond and agreed to by all in attendance. The meeting was adjourned at 8:00 p.m.

DATED: June 13, 2018
Cheryl Coopersmith, Chief Clerk Boards and Commissions
Town of Orangetown Planning Board



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#18-22: Pearl River Campus – Building B205 Permit #47279
Internal Commercial Subdivision Plan
Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

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TO:
FROM: Orangetown Planning Board

RE: **Pearl River Campus – Building B205 Internal Commercial Subdivision Plan:** 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 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, June 13, 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 June 6, 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 June 13, 2018.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 7, 2018.
4. Letters from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, and Arlene Miller Deputy Commissioner of Planning, both dated June 11, 2018.
5. Letters from the Rockland County Highway Department signed by Dyan Rajasingham, Engineer III, dated May 16, 2018 and from Joseph Arena, dated May 18, 2018.
6. An email from the Rockland County Drainage Agency, Shajan Thottakara, P.E., and CFM dated May 16, 2018.
7. Letters from the New York State Department of Transportation, signed by Michael P. Manning, Traffic Safety and Mobility Group, both dated May 23, 2018.
8. A Short Environmental Assessment Form, signed by Greg Stanton.
9. A Project Narrative prepared by Pearl River Campus, LLC, dated May 8, 2018.
10. Building B205 Unit 1 Plans prepared by Edward Gannon, dated April 25, 2018:
 - Sheet 1 of 2: Interior Subdivision
 - Sheet 2 of 2: Available Parking
11. Building Permit Referral dated January 12, 2018, signed by Michael Manzare, Building Inspector.

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

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Michael Mandel and seconded by Blythe Yost and carried as follows Thomas Warren, Chairman, aye; William Young, Vice Chairman, absent; Michael Mandel aye; Blythe Yost, aye; Stephen Sweeney, absent; Robert Dell, absent, Bruce Bond, aye 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 April 25, 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 Drainage Agency, Rockland County Department of Planning, Rockland County Department of Highway, and the New York State Department of Transportation, 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 Michael Mandel and seconded by Blythe Yost and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, absent; Bruce Bond, aye; Michael Mandel aye; Blythe Yost, aye; Stephen Sweeney, absent; Robert Dell, absent 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 Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."

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2. Application is for an internal subdivision of space in Building B205 on the second floor to create 2 tenant spaces.
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 Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - o The tax parcel information listed in the application packet and Lead Agency notification is incorrect. The correct tax parcel is 68.08-1-1 and not 68.07-2-39. In addition, the tax parcel information is incorrect on the site plan for the internal subdivision. This information must be corrected. If the public hearing notice lists the wrong parcel, it must be corrected and re-issued.
6. 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.
7. The New York State Department of Transportation reviewed the submitted information and found that the project has minimal impact on the State Highway system and the Department has no additional comments at this time.
8. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
 - Rockland County Drainage Agency
 - Rockland County Department of Planning
 - Rockland County Department of Highway
 - New York State Department of Transportation

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9. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans and Board Decisions prior to signing the final plans.
10. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.
11. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.
12. All landscaping shown on the Site Plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.
13. Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.
14. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
15. If the applicant, during the course of construction, 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).

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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 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

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

The foregoing Resolution was made and moved by Bruce Bond seconded by Blythe Yost and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, absent; Bruce Bond, aye; Kevin Garvey, aye, Blythe Yost, aye, Robert Dell, 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 13, 2018


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

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