

**Meeting of June 27, 2018  
Town of Orangetown Planning Board**

**MEMBERS PRESENT:** Thomas Warren - Chairman; William Young, Vice-Chairman; Kevin Garvey, Michael Mandel; Stephen Sweeney, Bruce Bond

**MEMBERS ABSENT:** Robert Dell and Blythe Yost

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

Thomas Warren, Chairman, called the meeting to order at 7:30 p.m. 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:

**New Items:**

<b>Bul Kwang Zen Meditation Site Plan</b>	<b>PB #18-23</b>
Prepreliminary/ Preliminary Site Plan and SEQRA Review	<b>Preliminary Site Plan</b>
Tappan Historic District	<b>Subject to Conditions</b>
104 Route 303, Tappan	<b>Neg. Dec.</b>
77.07/1/2; LO zoning district	

<b>Dean Awning Plan</b>	<b>PB #18-24</b>
<b>Conditional Use Permit Review</b>	<b>Preliminary Approval</b>
Prepreliminary/ Preliminary/ Final Conditional Use Permit and SEQRA Review	<b>Subject to Conditions</b>
529 Route 303, Orangeburg	<b>Neg. Dec.</b>
70.19/1/40; LIO zoning district	

**Continued item from January 25, 2017:**

<b>Maloney Subdivision Plan</b>	<b>PB #16-73</b>
Prepreliminary/ Preliminary Subdivision Plan and SEQRA Review	<b>Preliminary Subdivision Plan</b>
60 Fisher Avenue, Pearl River	<b>Approval Subject to Conditions</b>
68.11/2/70; R-15 zoning	<b>Neg. Dec.</b>

<b>Celtic Sheet Metal Site Plan Amendment</b>	<b>Amendment to Filed Site Plan, Final Site Plan</b>	<b>PB #18-19</b>
Prepreliminary/ Preliminary/ Final Site Plan Amendment and SEQRA Review	<b>Approval Subject to Conditions</b>	
1 Corporate Drive, Orangeburg	<b>Reaffirmation of SEQRA</b>	
73.20/1/32; LIO zoning district		

The decisions of the June 13, 2018 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Bruce Bond and seconded by Stephen Sweeney and carried as follows: Thomas Warren - Chairman; aye, William Young, Vice-Chairman, aye; Kevin Garvey; aye, Michael Mandel; aye, and Stephen Sweeney; aye, Bruce Bond; aye, Robert Dell; absent and Blythe Yost; absent.

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TOWN OF ORANGETOWN

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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 Bruce Bond and seconded by Kevin Garvey and agreed to by all in attendance. The meeting was adjourned at 9:00 p.m. The next Planning Board meeting is scheduled for July 11, 2018.

**DATED: June 27, 2018**  
**Cheryl Coopersmith, Chief Clerk Boards and Commissions**  
**Town of Orangetown Planning Board**



TOWN OF ORANGETOWN  
2018 JUL 12 A 11:13  
TOWN CLERK'S OFFICE

**PB #18-23: Bul Kwang Zen Meditation Site Plan  
Preliminary Site Plan Approval Subject  
to Conditions/ Neg. Dec.**

**Permit #47484**

**Town of Orangetown Planning Board Decision  
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**TO: Jonathan Hodash, 60 South Main Street, New City, New York  
10956**  
**FROM: Orangetown Planning Board**

**RE: Bul Kwang Zen Meditation Center Site Plan:** The application Bul Kwang Sa, Inc., owner, for Prepreliminary/ Preliminary Site Plan Review for a new two story addition to the existing single family dwelling and connection to the existing two story conference center, at a site known as "**Bul Kwang Zen Meditation Center Site Plan**", located in the Tappan Historic District, 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 104 Route 303, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.07, Block 1, Lot 2 in the LO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting, **Wednesday, June 27, 2018**, at which time the Board made the following determinations:

Jonathan Hodash, Sarah Hollerman and John Atzl appeared before the Board. The Board received the following communications:

1. Project Review Committee Report dated June 20, 2018.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated June 26, 2018.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 21, 2018.
4. A letter from Brooker Engineering signed by Kenneth DeGennaro, P.E., dated June 26, 2018.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated June 21, 2018.
6. Letters from the Rockland County Highway Department, signed by Dyan Rajasingham, Engineer II dated May 29, 2018 and Joseph Arena, dated May 31, 2018.
7. Letters from the Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated May 31, 2018.
8. A letter from Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated June 6, 2018.

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PLANNING BOARD

**PB #18-23: Bul Kwang Zen Meditation Site Plan  
Preliminary Site Plan Approval Subject  
to Conditions/ Neg. Dec.**

**Permit #47484**

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9. A letter from the Rockland County Sewer District, signed by Joseph LaFiandra, Engineer II, dated June 25, 2018.
10. A letter from the Town of Orangetown Zoning Board of Appeals signed by Dan Sullivan, Chairman, dated June 6, 2018.
11. A copy of the Building Department Referral, dated April 3, 2018, for Building Inspector, Glenn Maier.
12. Site Plans entitled "**Bul Kwang Zen Meditation Site Plan**" prepared by Atzl, Nasher & Zigler, dated December 13, 2017, revised March 19, 2018:
  - Drawing 1: Site Plan
  - Drawing 2: Grading Plan
  - Drawing 3: Erosion & Sediment Control Plan
13. Stormwater Management Design Report, prepared by Atzl, Nasher & Zigler, P.C., dated March 19, 2018.

The Board reviewed the plans and information submitted. The hearing was then opened 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 Kevin Garvey and seconded by Michael Mandel and carried as follows: Thomas Warren - Chairman; aye, William Young, Vice-Chairman, aye; Kevin Garvey; aye, Michael Mandel; aye, and Stephen Sweeney; aye, Bruce Bond; aye, Robert Dell; absent and Blythe Yost; absent.

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

On motion by Kevin Garvey and seconded by Michael Mandel and carried as follows: Thomas Warren - Chairman; aye, William Young, Vice-Chairman, aye; Kevin Garvey; aye, Michael Mandel; aye, and Stephen Sweeney; aye, Bruce Bond; 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.

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**PB #18-23: Bul Kwang Zen Meditation Site Plan  
Preliminary Site Plan Approval Subject  
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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely by Atzl, Nasher & Zigler, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Sewer District #1, Rockland County Drainage Agency and having reviewed a 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;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

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On motion by Kevin Garvey and seconded by Michael Mandel and carried as follows: Thomas Warren - Chairman; aye, William Young, Vice-Chairman, aye; Kevin Garvey; aye, Michael Mandel; aye, and Stephen Sweeney; aye, Bruce Bond; 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 Preliminary Site Plan Approval Subject to the Following Conditions:**

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m. Place this information as a note on the Site Plan.
4. A note shall be placed on the Site Plan that states that sleeping is not allowed in the original conference site.
5. The first floor will contain a meeting area and the second floor will have new bedrooms as an extension of the existing dwelling. No additional separate dwelling units are proposed and structure will contain only one kitchen. The Environmental Assessment Form, Part 1, Brief Description, shall be revised to clearly state this.

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6. The drainage calculations supplied are under review by DEME. However, the calculations shall include a breakdown table of the proposed additional impervious area, building, roof, overflow parking area, driveway, etc., as well as the amount of imperious area that will be "draining" to the grassed swale.

7. The area of disturbance shall be given on Drawing #3 and Drawing E-1 and D-1.

8. The drawings shall depict how pedestrians will get from the overflow parking area to the building(s).

9. The soil erosion and sediment control symbols shall conform to NYSDEC standards.

**10. Drainage Review Recommendation**

Sufficient detail and drainage calculations have been provided to demonstrate that potential significant impacts with respect to drainage can be mitigated. The Drainage Consultant, Brooker Engineering, therefore recommends that the Bul Kwang Meditation Center Site Plan be approved for drainage subject to the following Project Comments.

This is the first drainage review report for this project. The project involves the construction of an addition connecting two existing buildings, a new parking lot behind the existing building and addition, and widening of the existing driveway. Stormwater runoff flows west to an existing wetland. The wetland is adjacent to the Sparkill Creek. The Sparkill Creek floodplain is present on the property but not near the area of disturbance. Approximately 0.10 acre of new impervious area is added to the site. An open stormwater management dry pond is proposed that has a volume of 2,121 cubic feet.

**Project Comments**

1. Provide the first floor and basement floor elevations of the addition. Show the footing drain for the new building.
2. Show spot grades in the corners of the new parking area. Show the cross slope and low point in this area.
3. Show additional grading and swales so more of the driveway expansion will be directed to the grass swale in order to make the grading plan consistent with the drainage areas shown in the watershed maps used in the drainage report.
4. Show grading in front of the new building that directs stormwater runoff away from the addition.
5. Show proposed grading and the high point macadam drive that is proposed to be widened.
6. Provide soil testing that demonstrates surface water directed to the grass swale can infiltrate to the groundwater table.
7. Provide total land disturbance as a map note on the Site Plan.

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

- 1. A review must be completed by the New York State Department of Transportation and any required permits obtained.**
- 2. The comments in the May 31, 2018 letter from the Rockland County Department of Health must be met.**
- 3. The comments in the June 6, 2018 letter from the Rockland County Drainage Agency must be met.**
- 4. It does not appear that there is any encroachment in the Federal wetlands. If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.**
- 5. Since there are State wetlands on the site, a review shall be completed by the New York State Department of Environmental Conservation and any required permits obtained.**
- 6. The engineer of record shall certify to the Floodplain Administrator for the Town of Orangetown that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.**
- 7. Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.**
- 8. The Town shall be satisfied that all applicable portions of the Route 303 Overlay Zone have been addressed in the proposed Site Plan.**
- 9. There shall be no net increase in the peak rate of discharge from the site at all design points.**

**12. The Rockland County Highway Department has reviewed the plans and information and determined that the proposed action would have a de-minimis impact upon the County Highway System and poses no objection to the local determination unless major changes are proposed to the development in the future.**

**13. The Rockland County Health Department (RCDOH) reviewed the plans and offered the following comment:**

- An Engineer's Report for the on-site sanitary sewer pump station is to be provided. Report is to include the impact of the addition flow on the existing pump station.**
- Application is to be made to RCDOH for review of the project for compliance with the County Mosquito Code prior to construction.**

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**14.** Based on the information provided and maps available to the Rockland County Drainage Agency (RCDA), the site has been determined to be within the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act is required for any developments within this site. Please have the applicant submit an application to the RCDA immediately.

**15.** 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.

**16.** 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).

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

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

**18.** 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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**19.** 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.

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

**21. 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 preserve and protect existing trees to remain are as follows:

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

- One (1) foot radius from trunk per inch DBH.
- Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
  - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
  - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

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

**22.** 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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**23.** 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.

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

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

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

**27.** 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

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

The foregoing Resolution was made and moved by Kevin Garvey and seconded by Michael Mandel and carried as follows: Thomas Warren - Chairman; aye, William Young, Vice-Chairman, aye; Kevin Garvey; aye, Michael Mandel; aye, and Stephen Sweeney; 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 27, 2018**  
**Cheryl Coopersmith, Chief Clerk Boards and Commissions**  
**Town of Orangetown Planning Board**

  


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

**PB #18-23: Bul Kwang Zen Meditation Site Plan  
Preliminary Site Plan Approval Subject  
to Conditions/ Neg. Dec.**

**Permit #47484**

**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: **Bul Kwang Zen Meditation Site Plan**

SEQR STATUS: Type I \_\_\_\_\_ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 104 Route 303, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.07, Block 1, Lot 2 in the LO zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

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

TOWN OF ORANGETOWN  
2018 JUN 12 AM 10:13  
TOWN CLERK'S OFFICE

**PB #18-24: Dean Awning Conditional Use Permit                      Permit #47418  
Preliminary Conditional Use Permit Subject to Conditions  
Neg. Dec.**

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**TO:                      Charles Collishaw, 529 Route 303, Orangeburg, New York  
10962  
FROM:                  Orangetown Planning Board**

**RE:                      Dean Custom Awnings Conditional Use Permit:** The application Dean Custom Awnings, applicant for 33 Twin Avenue Corporation, owner, for Prepreliminary/ Preliminary/ Final Conditional Use Permit Review, at a site known as "**Dean Custom Awnings Conditional Use Permit**", 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 529 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.19, Block 1, Lot 40 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, June 27, 2018** the Board made the following determinations:

Charles Collishaw appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated June 20, 2018.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated June 26, 2018.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 21, 2018.
4. A letter from the Rockland County Department of Planning, from Douglas Schuetz, Acting Commissioner of Planning, dated June 21, 2018.
5. Letters from the Rockland County Highway Department, signed by Dyan Rajasingham, Engineer II dated May 29, 2018 and Joseph Arena, dated May 31, 2018.
6. A letter from the Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated May 31, 2018.
7. A letter from Rockland County Sewer District #1., signed by Joseph LaFiandra, Engineer II, dated June 25, 2018.

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8. A letter from the Town of Orangetown Zoning Board of Appeals signed by Dan Sullivan, Chair, dated June 6, 2018.
9. A Building Permit Referral from Building Inspector Mike Manzare dated March 12, 2018.
10. A Short Environmental Assessment Form signed by Charles Collishaw, President, Dean Custom Awnings, dated May 8, 2018.
11. Updated Survey Plan for Dean Custom Awnings, prepared by Jay Greenwell, PLS, dated September 23, 2013, last revision dated April 20, 2018.
12. Project Narrative, dated May 11, 2018.
13. Copy of Town of Orangetown Town Code, Chapter 43, Article VIII. Conditional Use Standards, 8.1. General conditions and standards.

The Board reviewed the submitted plans. The hearing was then opened 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 Kevin Garvey and second by Bruce Bond and carried as follows: Thomas Warren - Chairman; aye, William Young, Vice-Chairman, aye; Kevin Garvey; aye, Michael Mandel; aye, and Stephen Sweeney; aye, Bruce Bond; aye, Robert Dell; absent and Blythe Yost; absent.

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

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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Jay Greenwell, having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Department of Health, Rockland County Sewer District #1, Town of Orangetown Zoning Board of Appeals, Rockland County Department of Highways, and having reviewed proposed Site Plans by prepared by Jay Greenwell, PLS a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

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

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**CONDITIONAL USE PERMIT**

In view of the foregoing and the testimony before the Board, the application was **Granted a Conditional Use Permit** pursuant to Chapter 43, Section 8.1 of the Town of Orangetown Zoning Code. The Board made the following Findings and Comments:

- The proposed use, size and character is in harmony with the development in the district in which it is proposed to be situated and will not be detrimental to the zoning classification of such properties.
- The proposed location and size of the use, nature and intensity of operations involved, and the site layout in relation to access streets will not be hazardous to pedestrian or vehicular traffic.
- The proposed location of the use will not hinder or discourage development or use of adjacent land and buildings.
- The proposed use will not require additional public services or create fiscal burdens upon the Town of Orangetown greater than those which characterize uses permitted by right.

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

**The Board Granted the Conditional Use Permit subject to the following additional 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. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

3. Square footage of the existing building shall be indicated on the Site Plan.

4. As per the Town of Orangetown Zoning Code, Chapter 43, attachment 18, Notes to Use and Bulk Tables, Note number 4, in the LO and LIO districts, the floor area devoted to the manufacturing of prototype products may not exceed twenty five percent (25%) of the total gross floor area of the building. This calculation shall be indicated on the Site Plan.

5. As per 3.11 of the Town of Orangetown Zoning Code, Column 7, Number 2, accessory storage and loading berths shall be in completely enclosed buildings. Plans indicate outdoor storage of containers, materials and storage racks, which require approval from the Town of Orangetown Zoning Board of Appeals.

6. Per the table of Bulk Regulations, the following non-conforming Bulk exists. Variances need to be sought from the Town of Orangetown Zoning Board of Appeals:

	<b>Required</b>	<b>Existing</b>
Minimum Lot Width	300 feet	250 feet
Minimum Site Yard	100 feet	25 feet
Minimum Total Side Yard	200 feet	134.5 feet

7. The applicant shall appear at the Town of Orangetown Zoning Board of Appeals for Performance Standards Review.

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

- A review shall be completed by the New York State Department of Transportation, any concerns addressed, and all required permits obtained.
- As indicated in the June 6, 2018 letter from the County of Rockland Drainage Agency, the site is located within their jurisdiction, but since no land disturbance is proposed, no permit is required. However, if in the future any improvement or land disturbances are proposed, then a determination or permit from them will be required.
- A bulk table, indicating parking needs, must be provided on the plans to ensure that all applicable requirements for the proposed are met. It is especially critical to ensure that adequate parking is provided for the use, since the site is located on a State highway.
- Map notes that include the zoning district, tax parcel identification, and other district information must be provided on the plans.

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**PB #18-24: Dean Awning Conditional Use Permit                      Permit #47418**  
**Preliminary Conditional Use Permit Subject to Conditions**  
**Neg. Dec.**

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**9.** The Rockland County Highway Department has reviewed the plans and information and determined that the proposed action would have a de-minimis impact upon the County Highway System and poses no objection to the local determination unless major changes are proposed to the development in the future.

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

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

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

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

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

**14.** 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.

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

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**PB #18-24: Dean Awning Conditional Use Permit                      Permit #47418**  
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**Neg. Dec.**

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

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

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

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

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

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

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**PB #18-24: Dean Awning Conditional Use Permit                      Permit #47418**  
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**Neg. Dec.**

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The foregoing Resolution was made and moved by Kevin Garvey and seconded by Stephen Sweeney and carried as follows: Thomas Warren - Chairman; aye, William Young, Vice-Chairman, aye; Kevin Garvey; aye, Michael Mandel; aye, and Stephen Sweeney; 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 27, 2018**  
**Cheryl Coopersmith, Chief Clerk Boards and Commissions**  
**Town of Orangetown Planning Board**  
*attachment*



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

**PB #18-24: Dean Awning Conditional Use Permit                      Permit #47418  
Preliminary Conditional Use Permit Subject to Conditions  
Neg. Dec.**

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

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

**NAME OF ACTION: Dean Awning Conditional Use Permit Review:  
Preliminary Approval Subject to Conditions/ Neg. Dec.**

SEQR STATUS:   Type I \_\_\_\_\_ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX

**DESCRIPTION OF ACTION: Conditional Use Permit Review**

**LOCATION:** The site is located at 529 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.19, Block 1, Lot 40 in the LIO zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

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

TOWN OF ORANGETOWN

**PB #16-73: Maloney Minor Subdivision; Preliminary Subdivision Plan  
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision**

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**TO: Donald Brenner, 4 Independence Avenue, Tappan  
New York 10983**  
**FROM: Orangetown Planning Board**

**RE: Maloney Minor Subdivision:** The application of Michael Maloney, owner, for Prepreliminary/ Preliminary Subdivision Plan Review at a site to be known as “**Maloney Minor 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 60 Fisher Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.11, Block 2, Lot 70 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, January 25, 2017 and June 27, 2018**, the Board made the following determinations:

**January 25, 2017**

Jay Greenwell and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Reports dated January 18, 2017 and December 7, 2016.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated December 14, 2016 and January 25, 2017.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., December 8, 2016.
4. An Interdepartmental memorandum from the Highway Department, Town of Orangetown, signed by James Dean, Superintendent, dated December 7, 2016.
5. Letters from Maser Consulting, signed by Jesse Cokeley, P.E., dated December 6, 2016 and January 24, 2017.
6. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated November 17, 2016.
7. A letter from Rockland County Department of Highway, signed by Sonny Lin, P.E., dated December 12, 2016.
8. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 18, 2016.
9. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated December 1, 2016.

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10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, Acting Chair, dated October 19, 2016.
11. Subdivision Plans prepared by Jay Greenwell, PLS, dated March 24, 2015:
  - Sheet 1 of 2: Subdivision of Property for Maloney
  - Sheet 2 of 2: Grading, Drainage & Utility Plan with Erosion Control
12. Drainage Improvement Plan prepared by Brooker Engineering, PLLC, dated March 24, 2015.
13. A Short Environmental Assessment Form signed by Michael Maloney, dated October 10, 2016.
14. A letter from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, signed by Janet Swentusky, dated October 19, 2016.

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

**Public Comments:**

Ryan McCormick, 47 Selina Road, Pearl River; raised concerns regarding the impact of the proposed development on drainage.

Haig Yeranossian, 45 Fisher Avenue, Pearl River; noted that 30 years ago the Town piped in a similar open brook in the area, requesting that the Town perform the same for this situation.

Thomas McGuire, 31 Selina Road, Pearl River; explained that the previous owner of the site objected to the Town entering her property 30 years ago to pipe the brook. He held that if the current owner builds on the property, the water situation in the neighborhood will get worse.

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

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

The applicant requested a **CONTINUATION**.

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**June 27, 2018**

Jay Greenwell, Dorothy Maloney and Donald Brenner appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated June 20, 2018.
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 26, 2018.
3. A letter from Maser Consulting, dated June 26, 2018.
4. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated June 20, 2018.
5. A letter from the Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated June 12, 2018.
6. A letter from the Rockland County Health Department, signed by Elizabeth Mello, P.E., dated June 21, 2018.
7. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated June 25, 2018.
8. Interdepartmental memorandums from the Highway Department, Town of Orangetown, signed by James J. Dean, Superintendent of Highways, dated March 9, 2018.
9. A copy of a letter from Brooker Engineering signed by Kenneth DeGennaro, P.E., to Jesse Cokeley, P.E., dated May 4, 2018.
10. Revised Environmental Assessment Form, dated May 10, 2018, signed by Donald Brenner.
11. Project Narrative, prepared by Donald Brenner.

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

**Public Comment:**

Haig Yeranossian, 45 Fisher Avenue, Pearl River; reviewed the situation noting that the same thing happened 30 years ago. The applicant should be allowed to proceed to do the piping since the water breeds mosquitos. Mr. Yeranossian, an architect, offered his services to the Town.

Steve Fitzgerald, 39 Selina Road, Pearl River; held that the site has had water for years and that he is not buying the applicant's concerns regarding safety. He said that he was in contact with the property owner to the south and that the property owner was only contacted 2 days ago for a meeting.

Jim Kalchbernner, 80 Fisher Avenue, Pearl River, raised concerns that if the grades in the area are changed and the stream is piped than his property would become wet and have drainage issues.

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**Public Comments continued:**

Brian McAler, 23 Selina Road, Pearl River; held that the neighbor to the south, Mr. McGuire, was not against the piping, but was concerned about who would clean the piping.

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

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

On motion by Kevin Garvey and seconded by William Young and carried as follows: Thomas Warren - Chairman; aye, William Young, Vice-Chairman, aye; Kevin Garvey; aye, Michael Mandel; aye, and Stephen Sweeney; aye, Bruce Bond; 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 Jay Greenwell, PLS 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

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interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Sewer District No.1, and having reviewed a proposed Subdivision plan by prepared by Jay Greenwell, PLS a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

On motion by Kevin Garvey and seconded by William Young and carried as follows: Thomas Warren - Chairman; aye, William Young, Vice-Chairman, aye; Kevin Garvey; aye, Michael Mandel; aye, and Stephen Sweeney; aye, Bruce Bond; 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 Preliminary Subdivision Plan Approval Subject to the Following Conditions:**

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1. The following note shall be placed on the subdivision plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The Town of Orangetown Highway Department does not have an objection to the proposed drainage project of the Maloney Subdivision Plan, 60 Fisher Avenue, Pearl River, if and when it receives Final approval of the Town of Orangetown Department of Environmental Management and Engineering.
4. The following variances need to be sought from the Town of Orangetown Zoning Board of Appeals:

	<b>Lot #1</b>	<b>Lot #2</b>
<b>Minimum Street Frontage</b>		
Required is 75 ft.		39.03 ft. provided
<b>Maximum Floor Area Ratio</b>		
Allowed is 0.2	0.22 proposed	
5. Please provide the calculations for the stream piping.
6. The Short Environmental Assessment Form, item #17 shall be answered "Yes", and an explanation offered; "applicant to establish storm sewer."
7. Deep test holes and percolation tests shall be performed on lot #2 and results submitted to the Planning Board as part of the submission.
8. The drainage calculations for the proposed stream piping shall be submitted to DEME.
9. The applicant is reminded that a watercourse diversion requires an approval from the Town of Orangetown Town Board. The applicant shall obtain this approval prior to receiving Final Planning Board Approval for this Subdivision, if permit already is obtained, provide the Town Board Decision number on the subdivision drawing.

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10. The metes and bounds for the proposed drainage easement shall be added to the plans.

11. A temporary construction easements, as well as a permanent drainage easement to benefit the Town of Orangetown, shall be obtained from Tax Lot 68.11-2-65 (F/N McGuire). These easements, with metes and bounds, shall be shown on the plans.

12. The overflow from proposed drywell #1 shall be connected to the proposed catch basin depicted in the driveway for Lot #2.

13. It shall be noted on the plans, as well as the deed for Lot #2, that the ownership and maintenance of the proposed yard drain and piping along the western property line, along Tax Lot 68.11-2-69, shall be the sole responsibility of the owner of Lot #2.

14. A maintenance plan shall be submitted for the proposed drywells on Lot #2. Said plan shall be added to the deed for this lot.

15. A profile for the sanitary house connection for Lot #2 shall be added to the plans.

16. The existing 4 inch PVC drain from Lot #1 shall be shown as tying into the proposed piping system catch basin. If an easement from Lot #1 is required to reach the catch basin/ system, that easement shall be shown with metes and bounds on the plans.

17. It appears that the elevation (358.3) shown at the new driveway intersection with Fisher Avenue may be in error. This shall be corrected.

18. The profile for the proposed drainage piping shall include the two sanitary house connections.

19. A note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.

TOWN CLERK'S OFFICE  
2018 JUL 12 A 11:14  
TOWN OF ORANGETOWN

**PB #16-73: Maloney Minor Subdivision; Preliminary Subdivision Plan  
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
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**20.** The Town of Orangetown Highway Department reviewed the submitted plans and offered the following comments:

After review of the proposed plan in which the new driveway follows and covers the drainage easement which includes 30" HDPE and drainage structures, the Town of Orangetown shall not be liable for any damages to the driveway caused by system malfunction and/or regular or emergency response required to maintain the system.

**21.** The Drainage Consultant to the Planning Board, Maser Consulting reviewed the application and found that the proposed stormwater management plan meets the intent of the regulations and therefore recommend the Maloney Subdivision be approved for drainage subject to the following project comments:

1. The letter provided was in response to its December 6, 2016 memo. The consultant provided a subsequent review memo dated January 24, 2017. Please respond to any outstanding comments.
2. Sheet 3 does not appear to have been revised, and so there are several discrepancies between the information on Sheet 2 and 3:
  - a. CB #2 and CB #3 indicate solid covers on the plan, but this is not indicated on the profiled. On the contrary, CB #1 does not indicate a solid cover on the plan but does on the profile. The plans shall be revised for consistency.
  - b. The proposed 346 contour varies in the location of drywells #1 and #2 between Sheets 2 and 3
  - c. Drywells #3 & #4 are mislabeled on Sheet 3.
3. It appears that drywells #3 and #4 will capture more runoff than drywells #1 and #2. Since drywells #3 and #4 are separate from #1 and #2, they shall be designed separately and sized according to the tributary area for each. It is also unclear how runoff from the impervious areas of Lot 1 will be captured by drywells #1 and #2. Please clarify.
4. The 6" overflow from drywell #3 to CB-1 will not have proper cover unless a steep slope is proposed. Please clarify.
5. Catch basin detail CB-1 has some errors:
  - a. Top of concrete is shown as 241.0
  - b. 6" overflow shall be from Drywell #3 not #2
6. It is unclear if the southeast roof drain is connected to drywell #4 or not. Please clarify.

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**Continuation of Condition #21...**

7. There are still a few errors with the drywell detail:
  - a. The 8" equalizer pipe callout appears to be specified in parentheses for drywells #1 and #2, but shall be for all four.
  - b. The 8" PVC pipe from the driveway field inlet is not shown and called out for drywell #3.
8. The yard inlet located in the southwest easement. Please confirm that this is acceptable to the entity with rights to the easement.
9. The 344.3 spot shot in the southwest corner of the driveway shall be higher than the field inlet grate elevation in the southeast corner to direct runoff to the inlet and avoid possible ponding in the driveway.
10. If the field inlet at the southeast corner of the driveway clogs, the driveway will pond and overflow in a sheet flow manner south approximately 30 feet over grass/vegetation to the property line. However, in the existing condition, this water runs off into the stream where it is conveyed to a headwall and pipe. A swale shall be considered from the driveway field inlet to the proposed CB #1, which would then need to have an open grate rather than a solid cover.

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

- As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
- A review shall be done by the Rockland County Department of Health to ensure compliance with the Rockland county Sanitary code, Article XIX, Mosquito Control.
- The Village of Chestnut Ridge is the reason this proposal was referred to Rockland County Planning Department for review. The municipal boundary is 165 feet west of the subject property line. As required under Section 239nn of the State General Municipal Law, the Village of Chestnut Ridge must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Orangetown.
- Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

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**Continuation of Condition #22...**

- There shall be no net increase in the peak rate of discharge from the site at all design points.
- The lot area provided under the Notes section must be corrected to reflect that the total site is .84 acres.
- 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).

**23.** Based on the information provided, the Rockland County Health Department found that application is to be made to RCDOH for review of the storm water management system for compliance with the County Mosquito Code.

**24.** 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 no future correspondence is requested for this site.

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

- Rockland County Department of Health
- Rockland County Sewer District #1
- Rockland County Highway Department
- Town of Orangetown Zoning Board of Appeals
- New York State Department of Environmental Conservation

**26.** The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plats prior to signing the final plans.

**27.** All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.

**28.** Where a reservation of land for recreation purposes has been deemed by the Planning Board to be inadequate, Money in Lieu of Land for recreation purposes must be collected in accordance with Section 21-20 of the Land Development Regulations (\$9,000.00 for every vacant new residential lot). In addition, for every new vacant residential lot, \$80.00 will be collected for the Stream Maintenance Fund.

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**29.** All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Subdivision Plan Approval pursuant to Town Code §21 and §6A.

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

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

- One (1) foot radius from trunk per inch DBH
- Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:

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

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

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**31.** All landscaping shown on the subdivision plan 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.

**32.** 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.

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

**34.** 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).

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

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

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

The foregoing Resolution was made and moved by Thomas Warren and seconded by Stephen Sweeney and carried as follows: Thomas Warren - Chairman; aye, William Young, Vice-Chairman, aye; Kevin Garvey; aye, Michael Mandel; nay, and Stephen Sweeney; 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 27, 2018**

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



TOWN OF ORANGETOWN  
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TOWN CLERK'S OFFICE

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

**PB #16-73: Maloney Minor Subdivision; Preliminary Subdivision Plan  
Approval Subject to Conditions/ Neg. Dec.**

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

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

**NAME OF ACTION: Maloney Minor Subdivision; Preliminary Subdivision  
Plan Approval Subject to Conditions/ Neg. Dec.**

SEQR STATUS: Type I \_\_\_\_\_ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX

**DESCRIPTION OF ACTION: Minor Subdivision Plan Review**

**LOCATION:** The site is located at 60 Fisher Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.11, Block 2, Lot 70 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 action. The proposed action is consistent with the Town of Orangetown's Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

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

For Further Information contact:

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

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

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TOWN OF ORANGETOWN

**PB #18-19: Celtic Sheet Metal Site Plan  
Amendment to Filed Site Plan;  
Final Site Plan Approval Subject to Conditions**

**Permit #44291**

**Town of Orangetown Planning Board Decision  
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**TO: Jay Greenwell, PLS, 85 Lafayette Avenue, Suffern, New York  
FROM: Orangetown Planning Board**

**RE: Celtic Sheet Metal Site Plan:** The application of Celtic Sheet Metal, applicant, for Rathmagurry Realty, Inc., owner, for Prepreliminary/ Preliminary/ Final - **Amendment to Filed Site Plan** at a site known as "**Celtic Sheet Metal Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 1 Corporate Drive, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.20, Block 1, Lot 32 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, April 25 and June 27, 2018** the Board made the following determinations:

**April 25, 2018**

Jay Greenwell, Michael Cunney, Brenden Cunney and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated April 18, 2018
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated April 23, 2018.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated April 19, 2018.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated April 18, 2017.
5. A letter from the Rockland County Department of Highways, signed by Dyan Rajasingham, Engineer II, dated April 3, 2018.
6. A letter from the Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated April 4, 2018.
7. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated April 12, 2018.
8. A Narrative Summary by Jay Greenwell, PLS, dated March 28, 2018.
9. Prior Board Decision PB #16-13, Final Site Plan Approval Subject to Conditions and Conditional Use Permit Granted.

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TOWN OF ORANGETOWN

**PB #18-19: Celtic Sheet Metal Site Plan  
Amendment to Filed Site Plan;  
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**Town of Orangetown Planning Board Decision  
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10. Short Environmental Assessment Form, signed by Brenden Cunney, dated March 20, 2018.
11. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated April 4, 2018.
12. A Site Plan entitled "Amended Parking Plan Celtic Sheet Metal", prepared by Jay Greenwell, PLS, dated March 5, 2018.
13. Submitted at the meeting by Mike Policastro, abutting neighbor in New Jersey, photographs of the project site.
14. An interoffice memorandum from Glenn Maier, Assistant Building Inspector, dated March 19, 2018.

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

**Public Comment:**

Mike Policastro, 4 Lone Cedar Way, Old Tappan, New Jersey; held that the property posting should note that the site is in violation. He believed that the new addition on the site is overwhelming. Mr. Policastro stated that at prior meetings, he questioned the Board about the use of the back parking area. The applicant said that area would be used for employee parking, but now it is used to park tractor trailers. He also said that the evergreen trees planted in the backyard do not make a difference in the noise levels and that the detention basin has stagnant water.

The applicant requested a **CONTINUATION**.

**June 27, 2018**

Jay Greenwell, Michael Cunney and Donald Brenner appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated June 20, 2018
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated June 26, 2018.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated April 19, 2018.
4. Revised Short Environmental Assessment Form, signed by Brenden Cunney, dated March 20, 2018, revised June 8, 2018.
5. A Site Plan entitled "Amended Parking Plan Celtic Sheet Metal", prepared by Jay Greenwell, PLS, dated March 5, 2018, last revised April 27, 2018.
6. Letters from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, dated April 23, 2018, signed by Chris Lang and dated May 18, 2015, signed by Jonathan Stercho.
7. An Email from Eun Hae Son, abutting neighbor in New Jersey, dated June 24, 2018.

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**PB #18-19: Celtic Sheet Metal Site Plan  
Amendment to Filed Site Plan;  
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**Town of Orangetown Planning Board Decision  
June 27, 2018  
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The Board reviewed the plan. The meeting was open to the public.

**Public Comment:**

Mike Policastro, 4 Lone Cedar Way, Old Tappan, New Jersey; raised concerns regarding the noise levels coming from the site; cars drive around at all hours, banging machinery and beeping sounds. He asked if it would be possible to have the machinery moved further inside the structure and have the doors closed.

There being no one else from the public, a motion was made to close the Public Hearing portion of the meeting by William Young and seconded by Bruce Bond and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice-Chairman, aye; Michael Mandel, aye; Blythe Yost, absent; Robert Dell, absent; Kevin Garvey aye and Stephen Sweeney, 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 Jay Greenwell, PLS, 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 Sewer District #1, Town of Orangetown Zoning Board of Appeals, and having reviewed the proposed Site Plans by prepared by Jay Greenwell PLS, 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;

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

On motion by Kevin Garvey and seconded by Michael Mandel and carried as follows: Thomas Warren - Chairman; aye, William Young, Vice-Chairman, aye; Kevin Garvey; aye, Michael Mandel; aye, and Stephen Sweeney; aye, Bruce Bond; 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 an Amendment to the Filed Site Plan; Final Site Plan Approval Subject to the following Conditions:**

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

2. 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.

TOWN CLERK'S OFFICE  
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**PB #18-19: Celtic Sheet Metal Site Plan  
Amendment to Filed Site Plan;  
Final Site Plan Approval Subject to Conditions**

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**Town of Orangetown Planning Board Decision  
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3. The applicant shall comply with all pertinent and applicable conditions of all Board Decisions; PB #16-13, Final Site Plan Approval Subject to Conditions, dated March 23, 2016, ACABOR #16-13, Approved Subject to Conditions, dated February 18, 2016; ZBA #15-71, Side Yard, Rear Yard, Building Height, Section 6.4 Number of Loading Berths and Section 3.11 LIO District refers to LO District Column 7 #2 Outdoor Loading Berths, Variances Approved, dated September 2, 2015 and PB #15-27, Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec, dated May 27, 2015.

4. 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.

5. The Director of the Town of Orangetown Office of Building, Zoning and Planning Administration and Enforcement shall review the applicant's hours of operation and if needed, shall direct the applicant to make application to the Orangetown Zoning Board of Appeals for Performance Standards Review.

6. The Site Plan shall include a note that states that "No outside storage of goods, materials and/or equipment is permitted."

7. If Overnight Storage was not previously approved by the Orangetown Land Use Boards, the applicant shall apply to the Buildings Department for Overnight Storage at the site and return to the Planning Board and Zoning Board of Appeals for review and approval.

8. Since the proposed site plan modifications to amend the final site plan will have no adverse impacts on any County wide interests, the Rockland County Department of Planning remands this application for local determination

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

10. The Rockland County Department of Health (RCDOH) reviewed the plan and offered the following comments:

- Application is to be made to the Rockland County Department of Health for the extension of the private sanitary sewer main.

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**PB #18-19: Celtic Sheet Metal Site Plan  
Amendment to Filed Site Plan;  
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**11.** 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.

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

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

**14.** 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.

**15. 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 preserve and protect existing trees to remain are as follows:

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

- One (1) foot radius from trunk per inch DBH.
- Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
  - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
  - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

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

TOWN CLERK'S OFFICE

2018 JUN 27 10:07 AM

TOWN OF ORANGETOWN

**PB #18-19: Celtic Sheet Metal Site Plan  
Amendment to Filed Site Plan;  
Final Site Plan Approval Subject to Conditions**

**Permit #44291**

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16. 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.

17. 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.

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

19. 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).

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

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**PB #18-19: Celtic Sheet Metal Site Plan  
Amendment to Filed Site Plan;  
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**21.** 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

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

The foregoing Resolution was made and moved by Kevin Garvey and seconded by Bruce Bond and carried as follows: Thomas Warren - Chairman; aye, William Young, Vice-Chairman, aye; Kevin Garvey; aye, Michael Mandel; aye, and Stephen Sweeney; aye, Bruce Bond; 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 27, 2018**



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

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

**PB #18-19: Celtic Sheet Metal Site Plan  
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**Town of Orangetown Planning Board Decision  
June 27, 2018**

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

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

**NAME OF ACTION: Celtic Sheet Metal Final Site Plan Approval Subject to Conditions**

SEQR STATUS: Type I \_\_\_\_\_ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX

**DESCRIPTION OF ACTION: Site Plan - Amendment to Filed Site Plan;**

**LOCATION:** The site is located at 1 Corporate Drive, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.20, Block 1, Lot 32 in the LIO zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

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

TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN