

**Meeting of March 13, 2019
Town of Orangetown Planning Board**

MEMBERS PRESENT: Thomas Warren, Chairman
William Young, Vice-Chairman Stephen Sweeney
Blythe Yost Michael Mandel
Bruce Bond, alternate

MEMBERS ABSENT: Robert Dell

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

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

Madira Framing Corp. Plan **PB #19-08**
Rochris Subdivision **Continued to April 10, 2019**
Prepreliminary/ Preliminary/ **Submit Perc Test**
Final Review and SEQRA Review
Realignment of Conservation Easement Line
226 South Greenbush Road, Orangeburg
70.19/1/26.4; R-15 zoning district

St. Thomas Aquinas College **PB #19-12**
Dormitory Site Plan **Preliminary Site Plan**
Prepreliminary/ Preliminary **Approval Subject to**
Site Plan and SEQRA Review **Conditions/ Neg. Dec.**
125 Route 340, Sparkill
74.16/1/1 and
74.12/1/40; R-40 zoning district

Dynamic Productions USA Site Plan **PB #19-13**
Prepreliminary/Preliminary/ **Postponed by**
Final Site Plan and SEQRA Review **Applicant**
300 Blaisdell Road, Orangeburg
73.20/1/1.2; LIO zoning district

Lowe's of Orangeburg Site Plan **PB #19-14**
Outdoor Storage and **Preliminary Site Plan**
Fire Lane Plan Review **Approval Subject to**
Prepreliminary/Preliminary/ **Conditions/ Neg. Dec.**
Final Amendment to
Approved Site Plan and SEQRA Review
200 Route 303, Orangeburg
74.15/1/3; LI zoning district

Quinlan Resubdivision Plan **PB #19-15**
Prepreliminary/Preliminary/Final **Preliminary Approval**
Resubdivision Plan **Subject to Conditions**
and SEQRA Review **Neg. Dec.**
12 Center Street, Pearl River
68.19/2/36 & 38; RG zoning district

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**Subaru Distributor Corp. Site Plan
Parking Lot Repairs**

Prepreliminary/Preliminary/Final
Site Plan and SEQRA Review
6 Ramland Road, Orangeburg
73.20-1-23/25; LIO zoning district

**Final Site Plan
Approval Subject to
Conditions/ Neg. Dec.**

PB #19-16

**125 South Greenbush Road
Expansion Site Plan**

Prepreliminary/Preliminary Site Plan
and SEQRA Review
125 South Greenbush Road, Orangeburg
74.07/1/15.1; LI zoning district

**Continued: Revise
Plans**

PB #19-17

**155 South Greenbush Road
New Construction Site Plan**

Prepreliminary/Preliminary Site Plan
and SEQRA Review
155 South Greenbush Road, Orangeburg
74.07/1/15.2; LI zoning district


**Continued: Revise
Plans**

PB #19-18

The decisions of the February 13, 2019 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;
Michael Mandel, aye; Blythe Yost, absent; Robert Dell, absent; Stephen Sweeney, aye, and Bruce Bond.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Michael Mandel and seconded by Bruce Bond and agreed to by all in attendance. The meeting was adjourned at 11:40 p.m. The next Planning Board meeting is scheduled for March 27, 2019.

DATED: March 13, 2019



Cheryl Coopersmith, Chief Clerk Boards and Commissions

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**PB #19-12: St. Thomas Aquinas College
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**TO: John Atzl, Atzl, Nasher & Zigler, 234 North Main Street, New City,
New York 10956**
FROM: Orangetown Planning Board

RE: St. Thomas Aquinas College Dormitory Site Plan: The application of Joseph Donini, applicant for St. Thomas Aquinas College, owner, for Prepreliminary/ Preliminary Site Plan and SEQRA Review at a site to be known as "**St. Thomas Aquinas College Dormitory Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 125 Route 340, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.12, Block 1, Lot 29 and Section 74.16, Block 1, Lot 1 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **March 13, 2019** at which time the Board made the following determinations:

John Atzl and Joe Donini and Ed Arcari appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated February 20, 2019.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated February 25, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated February 25, 2019.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E. dated February 19, 2019.
5. A letter from Rockland County Department of Planning, signed by, Douglas Schuetz, Acting Commissioner of Planning, dated February 26, 2019.
6. A letter from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated February 25, 2019.
7. Letters from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated February 6 & 8, 2019.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated February 8, 2019.
9. A letter from Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated February 19, 2019.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated February 6, 2019.

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11. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief, dated February 20, 2019.
12. A Short Environmental Assessment Form signed by John Atzl, dated December 13, 2018.
13. Building Permit Referral to the Planning Board dated December 13, 2018 prepared by Rick Oliver, Building Inspector.
14. A Project Narrative prepared by Atzl, Nasher & Zigler, dated December 13, 2018.
15. Site Plan prepared by Atzl, Nasher & Zigler, dated September 22, 2018, last revision date of December 28, 2018:
 - Sheet 1 of 6: Overall Existing Condition Plan
 - Sheet 2 of 6: Overall Existing Condition Plan
 - Sheet 3 of 6: Site Plan
 - Sheet 4 of 6: Grading Plan
 - Sheet 5 of 6: Erosion Control Plan
 - Sheet 6 of 6: Lighting & Landscaping Plan
16. Architectural Plans prepared by arcai & lovino, dated November 27, 2018:
 - M.1: First Floor Plan
 - M.2: Second Floor Plan
 - M.3: Proposed Site Plan Scheme M

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

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

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

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, Atzl, Nasher & Zigler, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): 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 Highway Department, Rockland County Drainage Agency, Rockland County Sewer District #1, and having reviewed the drawings presented by the applicant's professional consultant; , 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;

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

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

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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.

4. The application shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review (ACABOR). The applicant shall provide a landscaping plan to ACABOR that provides for additional trees on site; noting that trees to be planted shall be deer resistant, as well as a resilient variety of tree.

5. The applicant is proposing a New Dormitory building with 72 additional beds. The total beds allowed per code are 274. The total beds existing are 656 and total beds proposed this application is 728.

6. The history of this application is as follows:

July 9, 2003, Town of Orangetown Planning Board approves a Site Plan for a new Dormitory.

- June 18, 2003, Town of Orangetown Zoning Board of Appeals approval for the following variances;
 - Building Height – 25 feet permitted, 33.5 feet approved, and
 - 274 beds permitted 329 existing and 624 approved.
- January 23, 2008, Planning Board Site Plan Approval – Dormitory expansions
- March 5, 2008, ZBA approval for the following variances;
 - Building Height – 25 feet permitted, 33.5 feet approved, and
 - 274 beds permitted 624 existing and 656 approved.

7. Zoning bulk table must be revised to show the following:

1. Permitted Floor Area Ratio of .15% per bulk table, District R-40, Group H, column 4.
2. Parking calculations for entire site must be provided per General Use Regulations 3.11, R-80, column 6, number 4.

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8. The applicant must obtain the following variances from the Town of Orangetown Zoning Board of Appeals:

1. Floor Area Ratio of 15% required and 191% proposed
2. Building Height of 25 feet permitted and 33.5 feet approved
3. 274 beds permitted; 656 existing and 728 approved
4. Minimum distance between any dormitory and any interior driveway shall be 25 feet with 5' – 0 ± proposed
5. Applicant is advised that a parking variance may be required upon receipt of parking calculations.

**Chapter 43. Zoning
Article VIII. Conditional Use Standards
§ 8.2. Dormitories.**

Dormitories are permitted only as accessory uses to schools of general instruction, subject to the following supplemental requirements:

A. There shall be a minimum lot area of 1,800 square feet provided per dormitory bed, exclusive of the lot area allocated and devoted to the principal and other accessory buildings on any site, including the required yards and/or setbacks, buffers and parking facilities for said buildings.

B. The minimum distance between a dormitory and any other building on the lot shall be 50 feet.

C. The minimum distance between any dormitory and any interior driveway shall be 25 feet.

D. The maximum height of any dormitory shall be two stories of 25 feet, whichever is less.

E. No dormitory room or dwelling unit shall be permitted in any cellar or basement.

F. All dormitories shall be equipped with sprinkler and fire alarms in accordance with the Town of Orangetown Fire Prevention Code^[1] and the New York State Uniform Fire Prevention and Building Code.

9. The Stormwater management design report is under review by DEME. However, the total area of disturbance shall be depicted (outlined) and labeled on drawings 3 of 6 through 6 of 6. As a reminder, the total area of disturbance must include all proposed work: dormitory, gravel fire line, dry pond, outlet pipe, removal of existing storm drain line, curbing alignment, etc.

[1] Editor's Note: See Chapter 15, Fire Prevention Code.

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10. Soil borings, perc tests and determination of groundwater elevations shall be performed at the proposed dry pond location. These tests shall be performed **PRIOR** to this proposal receiving **Final Approval** to ensure the adequacy of the proposed design. The tests shall be performed in the spring when the ground water table is typically at its highest.

11. A table shall be added to the stormwater management design report detailing the existing impervious surfaces and their respective square footages and the proposed impervious surfaces and their footages. As a reminder, gravel areas (like the gravel fire line) are considered impervious.

12. Sanitary calculations for the proposed site, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval. The calculations shall include all flows (buildings/ dormitories, etc.) that contribute (flow to) the Town of Orangetown manhole offsite to the west. However, the Town owned and maintained pumping station, that will handle the flow from the proposed new dormitory, currently experiences capacity issues. In order for the Town to accept the proposed flow from the new dormitory, modifications to the existing pumping station will be required. The Town will be requesting the applicant to fund the necessary improvements. In order to get this process started, DEME requests a meeting with the applicant and their design engineer to discuss these issues.

13. A "blow-up" of the proposed dry pond/ stormwater basin shall be provided on the drawings. Cross-sections, storage volume vs. elevation vs design storm, outlet structure details with elevations, underdrain details, profiles with elevations, outlet pipe details, safety bench, 12 foot wide maintenance path (that reaches the main pool/ outlet structure/ emergency spillway), permanent sediment depth marker with detail, plantings (if applicable), emergency overflow spillway with elevations, etc. Shall also be provided in the blow-up section in the drawings and in the stormwater management design report.

14. The applicant's engineer shall explain the purpose of the dirt berm, shown in the proposed dry pond on drawing 4 of 6 in the stormwater management design report.

15. The stormwater management design report shall also show by calculation, the capacity of the existing field catch basin and 24 inch drainage piping that the dry pond is to drain to, the current flow through the existing lines and the proposed flow from the dry basin at the various storm analyzed, up to the 100 year storm.

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16. The Narrative Summary provided states that there will be no increase in the number of students or staff and therefore, no impact on parking. However, nowhere is this fully explained. The Narrative Summary shall be expanded to explain exactly how the addition of a 72 bed dormitory will not increase the number of students/ staff, vehicles/ parking, etc.

17. The existing Town manhole/ piping that the sewer mains in the project area tie into appear to be incorrect. The applicant/ applicant's engineer shall verify the public sewer main locations and or contact the Town of Orangetown Sewer Department to obtain the actual locations.

18. A profile and connection details for the proposed sanitary building connection shall be added to the plans.

19. The SESC plan is under review by DEME. However, the soil and erosion and sediment control symbols shall conform to NYSDEC standards.

20. The NYSDEC stream number and classification for the stream that runs through the property shall be added to drawing 1 of 6.

21. A sequence of construction shall be added to the stormwater management design report.

22. All existing easements and dedications shall be shown on the plans, included page and liber or instrument number and ownership.

23. Drainage Review Recommendation – Brooker Engineering

The applicant has provided sufficient calculations to demonstrate that the proposed stormwater management system will mitigate potential significant adverse with respect to drainage. Brooker Engineering, the Planning Board Drainage Consultant, therefore recommends that the St. Thomas Aquinas Dormitory Site Plan be approved for drainage at this time, subject to the following comments.

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Continuation of Condition #23....

Project Description

This is the first drainage review report for this project. The site is located along the north side of Route 340 and the proposed dormitory expansion is located along the southern side of Dormitory #300. The project adds approximately 6,500 square feet of impervious area. The footprint of the new building is located in a low lying grassy area that is piped to the northwest via an existing field inlet. The field inlet would be removed and a new dry pond stormwater management basin is proposed east of the building. Stormwater runoff would be piped to the northeast toward the Sparkill Creek. The Sparkill Creek floodplain is located on the site, but the proposed work is outside the 100-year floodplain.

Project Comments

1. The drainage watersheds used in the hydrologic model shall reflect the topography and the areas that are directed to the hydrologic point of interest under existing and proposed conditions. Watershed 1A redelineated as the subarea that is directed to the dry pond. The hydrologic Point of Interest should be clearly identified.
2. Show an overflow spillway from the dry pond that will direct water away from the dormitory located southwest of the pond.
3. Match the crown of the new pipe to the existing outfall pipe at the catch basin that receives water from the new dry pond.
4. Percolation tests and verification of the groundwater table shall be performed in the vicinity of the dry pond.
5. Add a map note that all roof leaders are to be directed to the Stormwater Management Basin.
6. Provide the maintenance requirements of the new stormwater management system on the Site Plan.
7. Show the footing drain for the proposed building.
8. Provide more detailed grading in the southeast corner of the building to demonstrate stormwater runoff will be directed away from the building.

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

- As indicated in the February 19, 2019 letter from the Rockland County Drainage Agency, the site is within their jurisdiction, therefore the conditions in its letter must be met.

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Continuation of Condition #24....

- A review must be completed by the County of Rockland Department of Health and all required permits and/or approvals obtained.
- A review shall be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- 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.
- 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.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- Section 8.2 permits dormitories as an accessory use to schools of general instruction, and requires 1,800 square feet of lot area for each dormitory bed. With the new dormitory building, the number of beds will total 728, where only 274 beds are permitted. This exceeds the maximum permitted number by over 165%. Granting variances of this magnitude can compromise the integrity of the zoning ordinance. If the Town of Orangetown wants to permit a higher ratio of dormitory beds to the lot area, then a better way of proceeding would be to amend the zoning ordinance to reflect the desired land to bed ratio for colleges and universities.
- The proposed construction of the new 72 bed dormitory must comply with all requirements of the Dormitory Authority of the State of New York.
- The narrative provided by Atzl, Nasher & Zigler P.C., indicates that no additional parking spaces are required as there will be no increase in the number of students or staff. A parking calculation should be provided to support that adequate parking is currently being provided.

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Continuation of Condition #24....

- The proposed new dormitory will be in very close proximity to the parking area. The proposed sideway is located directly adjacent to the parking spaces. Additional space shall be provided between the parking lot and the sidewalk and building. This will provide both additional safety measures, as well as the ability to supplement the landscaping along the building to better shield the headlights of the vehicles from shining directly into the dormitory rooms of those living on the first floor.
- Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the use of parking spaces meant for the residents, students, and staff of the college.
- The location of the dumpsters or trash enclosures shall be shown on the site plan to ensure that they are easily accessible.
- If any variances will be 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).

25. A Rockland County Highway Department (RCHD) reviewed the information submitted and offered the following comments:

- The proposed action would have a de-minimis impact upon the County Highway System. Therefore, the Highway Department poses no objection to the local determination.

26. A Rockland County Department of Health (RCDOH) reviewed the information submitted and offered the following comments:

- Application is to be made to the RCDOH for review of the system for compliance with the County Mosquito Code.

27. 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.

28. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, the site has been determined to be within the jurisdiction of the RCDA. Accordingly, a permit from the RCDA pursuant to the Rockland County Stream Control Act is required. Please have the applicant submit an application to RCDA immediately.

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29. The Town of Orangetown Bureau of Fire Prevention reviewed the information and offered the following comments:

- Install NFPA 13 compliant sprinkler system before work commences.
- Install and maintain an NFPA 72 compliant Fire Alarm System with drawings and cut sheets provided to the Bureau before work commences.
- Install Emergency lighting as per NEC.
- CO Detections as required.
- Install Key Box mounted outside door where FACP is located.

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

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

31. 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.

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

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:

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Continuation of Condition #33...

- 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.

34. 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.

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

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

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

**TOWN CLERK'S OFFICE
2019 MAR 28 P 2:00
TOWN OF ORANGETOWN**

**PB #19-12: St. Thomas Aquinas College
Dormitory Site Plan
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #48423

**March 13, 2019
Town of Orangetown Planning Board Decision
Page 14 of 14**

38. 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 Resubdivision 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).

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

40. 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

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

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

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: March 13, 2019
Cheryl Coopersmith
Chief Clerk Boards and Commissions**
Attachment



TOWN CLERK'S OFFICE
2019 MAR 28 P 2:00
TOWN OF ORANGETOWN

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

**PB #19-12: St. Thomas Aquinas College
Dormitory Site Plan
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #48423

**March 13, 2019
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: St. Thomas Aquinas College
Dormitory Site Plan; Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 125 Route 340, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.12, Block 1, Lot 29 and Section 74.16, Block 1, Lot 1 in the R-40 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

00 2 8 2019
TOWN OF ORANGETOWN

**PB #19-14: Lowe's of Orangeburg Site Plan
Outdoor Storage and Fire Lane Plan Review
Preliminary Amendment to Approved Site Approval
Subject to Conditions/ Neg. Dec.**

Permit #48449

**Town of Orangetown Planning Board Decision
March 13, 2019
Page 1 of 9**

**TO: Brett Krenz, 1605 Curtis Bridge Road, Wilkesboro, North
Carolina 28697**
FROM: Orangetown Planning Board

**RE: Lowe's of Orangeburg Site Plan - Outdoor Storage and Fire
Lane Plan:** The application of Lowe's Home Center, LLC, owner, for a
Prepreliminary/ Preliminary/ Final Site Plan Amendment Review at a site known
as "**Lowe's of Orangeburg Site Plan Outdoor Storage and Fire Lane Plan**",
in accordance with Article 16 of the Town Law of the State of New York, the Land
Development Regulations of the Town of Orangetown, Chapter 21A of the Code
of the Town of Orangetown and to determine the environmental significance of
the application pursuant to the requirements of the New York State
Environmental Quality Review Act. The site is located at 200 Route 303,
Orangeburg, Town of Orangetown, Rockland County, New York, and as shown
on the Orangetown Tax Map as Section 74.15, Block 1, Lot 3; in the LI zoning
district.

Heard by the Planning Board of the Town of Orangetown at a meeting held
Wednesday, March 13, 2019 the Board made the following determinations:

George Bergerson and Jesse Cokeley appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated March 6, 2019.
2. An interdepartmental memorandum from the Office of Building, Zoning,
Planning Administration and Enforcement, Town of Orangetown, signed by
Jane Slavin, R.A., AIA, Director, dated March 10, 2019.
3. An Interdepartmental memorandum from the Department of Environmental
Management and Engineering (DEME), Town of Orangetown, signed by
Bruce Peters, P.E., March 7, 2019.
4. A letter from Rockland County Department of Planning, signed by
Douglas Schuetz, Acting Commissioner of Planning, dated March 12, 2019.
5. Letters from Rockland County Highway Department, signed by
Dyan Rajasingham, Engineer III, dated February 14, 2019 and Joseph Arena,
dated February 20, 2019.
6. A letter from Rockland County Sewer District No. 1, signed by
Joseph LaFiandra, Engineer II, dated February 27, 2019.
7. A letter from the Town of Orangetown Zoning Board of Appeals, signed by
Daniel W. Sullivan, Chairman, dated February 6, 2019.
8. An interdepartmental memorandum from the Bureau of Fire Prevention, Town
of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated
March 4, 2019.

TOWN CLERK'S OFFICE

MAR 28 P 2:00

TOWN OF ORANGETOWN

**PB #19-14: Lowe's of Orangeburg Site Plan
Outdoor Storage and Fire Lane Plan Review
Preliminary Amendment to Approved Site Approval
Subject to Conditions/ Neg. Dec.**

Permit #48449

**Town of Orangetown Planning Board Decision
March 13, 2019
Page 2 of 9**

9. Site Plan entitled Fire Access and Outdoor Storage Plan prepared by Maser Consulting, dated December 14, 2018.
10. Copies of previous Board Decisions: PB #09-33, Final Site Plan Approval Subject to Conditions, dated July 8, 2009; ZBA #09-40, Off Street Parking Variance Approved with Revised Outdoor Storage Plan, dated July 1, 2009; ACABOR #09-20, Approved with Conditions, dated June 16, 2009 and ZBA #04-72, Outdoor Storage and Sales and Front Yard Fence Height Variances Approved, dated March 16, 2005.
11. A Building Permit Referral dated December 28, 2018, prepared by Rick Oliver, Building Inspector.
12. A Short Environmental Assessment Form dated January 23, 2019, signed by Brett Krenz.

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

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

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

TOWN CLERK'S OFFICE
2019 MAR 28 P 2:00
TOWN OF ORANGETOWN

**PB #19-14: Lowe's of Orangeburg Site Plan
Outdoor Storage and Fire Lane Plan Review
Preliminary Amendment to Approved Site Approval
Subject to Conditions/ Neg. Dec.**

Permit #48449

**Town of Orangetown Planning Board Decision
March 13, 2019
Page 3 of 9**

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, Maser Consulting and having heard from the following offices, officials and/or Departments: (Town of Orangetown): 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 Highway Department, Rockland County Sewer District #1, and having reviewed the drawings presented by the applicant's professional consultant; Maser Consulting, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

TOWN CLERK'S OFFICE
MAY 28 2:00 P
TOWN OF ORANGETOWN

**PB #19-14: Lowe's of Orangeburg Site Plan
Outdoor Storage and Fire Lane Plan Review
Preliminary Amendment to Approved Site Approval
Subject to Conditions/ Neg. Dec.**

Permit #48449

**Town of Orangetown Planning Board Decision
March 13, 2019
Page 4 of 9**

On motion by Bruce Bond and seconded by Stephen Sweeney and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Blythe Yost, aye; Robert Dell, absent; Stephen Sweeney, aye, and Bruce Bond, 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 applicant shall comply with all previous and applicable Board Decisions: PB #09-33, Final Site Plan Approval Subject to Conditions, dated July 8, 2009; ZBA #09-40, Off Street Parking Variance Approved with Revised Outdoor Storage Plan, dated July 1, 2009; ACABOR #09-20, Approved with Conditions, dated June 16, 2009 and ZBA #04-72, Outdoor Storage and Sales and Front Yard Fence Height Variances Approved, dated March 16, 2005.
3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.
4. The applicant was issued a violation in July, 2018. Planning Board approval is required to rectify the violations issued.
5. The applicant is proposing outdoor storage of goods. Per table 3.11, column 7, number 5; accessory storage of goods accessory to retail and wholesale sales must be within completely enclosed buildings. A Use Variance must be obtained from the Town of Orangetown Zoning Board of Appeals.

TOWN CLERK'S OFFICE
MAR 28 P 2:00
TOWN OF ORANGETOWN

**PB #19-14: Lowe's of Orangeburg Site Plan
Outdoor Storage and Fire Lane Plan Review
Preliminary Amendment to Approved Site Approval
Subject to Conditions/ Neg. Dec.**

Permit #48449

**Town of Orangetown Planning Board Decision
March 13, 2019
Page 5 of 9**

6. The existing sanitary sewer easement, along the northern side of the property shall be shown, with metes and bounds on the Site Plan. The sanitary main within said easement shall also be shown on the Site Plan, including manholes with rim and invert elevations.

7. The existing storm drainage system for the site shall be shown on the drawings. This shall include all drainage structures with top and invert elevations, along with all drainage piping.

8. All existing easements and dedications shall be shown on the plan, including page and liber or instrument number, and ownership.

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

- The Town must determine if the proposed storage is permitted for the existing use in the LI zoning district. Note 5 in Column 7 of the Additional Use Regulations require that "The following uses and all storage of goods accessory to such uses shall be within completely enclosed buildings: retail and wholesale sales and service establishments..." If this is not a permitted use, then a Use Variance may be required to permit the outdoor storage.
- The Site Plan shall include a Vicinity Map with a North arrow and scale, map notes that include district information, zoning designation, and acreage, and a Bulk Table with the required bulk standards for both existing and proposed listed. In particular, the number of required, existing, and proposed parking spaces must be provided since the parking layout is being revised.
- The proposed fire lane location along the northern portion of the site has parking spaces straddling each side of the lane. Access to the building will be impeded if vehicles are parked in the area south of the designated fire lane. The parking area and/or the fire lane must be relocated so that access to the building is unimpeded.
- A review must be completed by the Rockland County Office of Fire Emergency Services, the Town of Orangetown Fire Inspector, or the Orangeburg Fire Department to ensure that the locations of the fire lanes are satisfactory, and that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- The fire department connections shall be designated on the site plan and kept clear for easy access by the emergency response vehicles.

TOWN CLERK'S OFFICE
2019 MAR 28 P 2:00
TOWN OF ORANGETOWN

**PB #19-14: Lowe's of Orangeburg Site Plan
Outdoor Storage and Fire Lane Plan Review
Preliminary Amendment to Approved Site Approval
Subject to Conditions/ Neg. Dec.**

Permit #48449

**Town of Orangetown Planning Board Decision
March 13, 2019
Page 6 of 9**

Continuation of Condition #9

- The location of the storage bins and storage trailers are scattered around the periphery of the parking area in the northwestern portion of the site. Parking spaces are located intermittently amongst these storage areas. Conflicts between the vehicles and the storage areas could occur. The storage trailers and bins shall be relocated so that they are together, and not scattered amongst parking spaces.
- The comments in the February 14, 2019 letter from the Rockland County Highway Department must be addressed.
- A review shall be completed by the New York State Department of Transportation, and any required permits obtained.
- A review must be completed by the County of Rockland Drainage Agency and any comments addressed and permits obtained.

10. The Rockland County Highway Department has reviewed the plans and information offered the following:

- The proposed action would have a de-minimis impact upon the County Highway System and poses no objection to the local determination.
- It appears the design engineer has dated the site plan incorrectly.

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 Town of Orangetown Bureau of Fire Prevention reviewed the information and offered the following comments:

- Fire Prevention has no problem using the former Fire Zone Lane on the South Side for storage but does NOT agree with changing the Front of the store from Fire Zone/ Lane to loading zone as we believe that will be overlooked and is not policed by the store as it is now.

13. 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.

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

TOWN OF ORANGETOWN
MAR 28 2:00
TOWN CLERK'S OFFICE

**PB #19-14: Lowe's of Orangeburg Site Plan
Outdoor Storage and Fire Lane Plan Review
Preliminary Amendment to Approved Site Approval
Subject to Conditions/ Neg. Dec.**

Permit #48449

**Town of Orangetown Planning Board Decision
March 13, 2019
Page 7 of 9**

15. 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.

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 Resubdivision 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.

TOWN CLERK'S OFFICE
2019 MAR 28 P 2:00
TOWN OF ORANGETOWN

**PB #19-14: Lowe's of Orangeburg Site Plan
Outdoor Storage and Fire Lane Plan Review
Preliminary Amendment to Approved Site Approval
Subject to Conditions/ Neg. Dec.**

Permit #48449

**Town of Orangetown Planning Board Decision
March 13, 2019
Page 8 of 9**

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 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

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

Override

The Board made a motion to override Condition #2 and #4 of the March 12, 2019 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

#2. Note 3 in Column 7 of the Table of General Use Regulations (Section 3.11 for the LI District) requires that "All open storage yards shall be screened from adjacent lots and from the street line." Several of the outdoor trailer and storage trailers will be visible from the adjacent lot. Screening must be installed to comply with this Use Regulation.

The Board held that this project is an amendment to an existing Site Plan and that there is sufficient screening at the site. No additional screening would be required to screen the outdoor trailer and storage trailers from the adjacent lot.

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

#4. The proposed storage areas are scattered around the entire periphery of the site. Sale display areas are located along most of the frontage, acting as additional advertising for the retail establishment. The Town must be cautious in permitting these display areas, as other retail businesses may request similar exemptions so as to have higher visibility and to promote their sale items. Given the extent of the display areas, both for seasonal sales and for project displays, the number of storage areas and displays seems excessive. The number of display and storage areas must be reduced.

The Board held that the storage areas are seasonal use and the applicant must apply to the Town of Orangetown Zoning Board of Appeals for a Use Variance. In addition, the applicant testified that the sheds would be move to an area which is not visible to the public and screened.

TOWN CLERK'S OFFICE

2:00 P M 28 MAR 2019

TOWN OF ORANGETOWN

**PB #19-14: Lowe's of Orangeburg Site Plan
Outdoor Storage and Fire Lane Plan Review
Preliminary Amendment to Approved Site Approval
Subject to Conditions/ Neg. Dec.**

Permit #48449

**Town of Orangetown Planning Board Decision
March 13, 2019
Page 9 of 9**

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

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

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: March 13, 2019


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

TOWN OF ORANGETOWN
2019 MAR 28 P 2:00
TOWN CLERK'S OFFICE

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

**PB #19-14: Lowe's of Orangeburg Site Plan
Outdoor Storage and Fire Lane Plan Review
Preliminary Amendment to Approved Site Approval
Subject to Conditions/ Neg. Dec.**

Permit #48449

**Town of Orangetown Planning Board Decision
March 13, 2019**

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

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

NAME OF ACTION: Lowe's of Orangeburg Site Plan- Preliminary Site Plan Approval Subject to Conditions

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 200 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.15, Block 1, Lot 3; in the LI zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

· 2019 MAR 28 P 2: 01 ·
TOWN OF ORANGETOWN

**PB #19-15: Quinlan Minor Resubdivision
Preliminary Resubdivision Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
March 13, 2019
Page 1 of 9**

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

RE: Quinlan Resubdivision Plan: The application of Kathleen Duane, owner, for Prepreliminary/ Preliminary/ Final Resubdivision Plan (Lot Line Change) and SEQRA Review at a site to be known as "Quinlan Resubdivision", 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 12 Center Street, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.19, Block 2, Lots 36 & 38 in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, March 13, 2019**, the Board made the following determinations:

Kathleen Duane and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Reports dated March 6, 2019.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., Director, dated March 10, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., March 7, 2019.
4. A letter from Brooker Engineering signed by Kenneth DeGennaro, dated March 4, 2019.
5. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated March 5, 2019.
6. Letters from Rockland County Department of Highway, signed by Dyan Rajasingham, Engineer III, dated February 14, 2019 and Joseph Arena, dated February 19, 2019.
7. A letter from Rockland County Department of Health, signed by Liz Mello, P.E., Senior Public Health Engineer, dated February 25, 2019.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated March 6, 2019.

TOWN CLERK'S OFFICE

2019 MAR 28 P 2:01

TOWN OF ORANGETOWN

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9. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated March 4, 2019.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chair, dated February 6, 2019.
11. Resubdivision Plan prepared by Robert Sorace, PLS, dated December 14, 2018.
12. A Short Environmental Assessment Form signed by Donald Brenner, dated November 19, 2018.
13. Project Narrative.
14. Emails from area residents: James Marinelli dated March 11, 2019, Diane Dunleavy Donnelly, dated March 13, 2019 and Michael Tricano.

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

Public Comments:

Donald DeNoyelles, 195 West Central Avenue, Pearl River; stated that the right of way easement is located on his property and held that he does not know how the applicant will get the utilities into the rear lot. He also held that emergency vehicles would have difficulty accessing the lot since the width of the easement is only 18 feet wide.

Michael Tricano, 190 West Washington Avenue, Pearl River; noted that there is a significant amount of wildlife living at the site, raising concerns regarding and development of the lot.

Louis Bertussi, 202 West Central Avenue, Pearl River; held that since the public just heard about the project, requested that Final Approval not be granted and give the public more time to review the application.

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

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

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

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Robert Sorace, 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: Town of Orangetown Zoning Board of Appeals, Rockland County Highway Department, Rockland County Department of Health, Rockland County Sewer District No.1, and having reviewed a proposed Resubdivision plan by prepared by Robert Sorace, 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;

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- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

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

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

1. The following note shall be placed on the Resubdivision 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 applicant shall provide the roadway easement agreement to the Board.
4. The proposed lot line shall be labeled on the Resubdivision Plan.
5. A 280-A variance shall be obtained from the Town of Orangetown Zoning Board of Appeals.

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6. The Resubdivision does not show the development of Tax Lot #68.19/2/36. The applicant is requesting a waiver of the Resubdivision requirements under Section 21-13 of the Land Development Regulations by not showing existing and proposed contours, drainage, stream relocation, existing trees, etc. It shall be clearly labeled on the Resubdivision plan that "Lot #36 is not approved as a Building Lot and if the applicant or future applicant wishes to obtain a building permit for Lot #36, then the applicant or future applicant will be required to appear before the Orangetown Land Use Boards for Site Plan Review and any other agencies or boards required for review and approval prior to granting an approval for development of that lot." Similarly, a note shall also be placed on the Resubdivision Plat stating the following: "Should the existing structure on Lot #38 be demolished and a new structure be built, then the applicant or future applicant shall appear before the Orangetown Land Use Boards for Site Plan review and any other agencies or boards required for review and approval prior to granting any building permits for undertaking such work."

7. More information (grading, trees, existing and proposed sanitary house connections with inverts, location of sanitary main, proposed dwelling, driveway to new dwelling, existing structures, if applicable, etc.) shall be added to the drawing to show viability of the proposed Resubdivision. A proper site plan that conforms to Section 21 of the Town of Orangetown Code Book – Land Development Regulations, shall be provided for review.

8. All driveway opening(s) opposite proposed Resubdivision shall be shown on the plans.

9. Drainage Recommendation:

The Drainage Consultant to the Planning Board, Brooker Engineering, reviewed the application and found that the proposed action of the lot line change will not result in any potential significant adverse impacts with respect to drainage that require mitigation and therefore recommends the Quinlan Resubdivision be approved for drainage subject no conditions.

Project Description:

This is the first drainage review report for this project. The site is located along the east side of Center Street, just north of West Central Avenue. There is an existing dwelling at the front (western) lot and an undeveloped lot in the rear (eastern) portion of the application. The action consists of a lot line change to provide more land area to the front lot, which will also put the existing accessory structure on the lot with the principle structure. The undeveloped lot is oversized with respect to the zoning. The land is lightly wooded with a gentle slope and is located at a saddle point with respect to the drainage pattern. Stormwater runoff from the north flows south through the property, which then leaves the site to the west, east, and south.

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10. 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 Resubdivision 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.
- An access easement must be provided for Lot #2 over Lot #1. A map and deed note must be provided stating such. A gross and net lot area must be provided in the Bulk Table for Lot #1 to reflect the deduction for the access easement.
- 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).

11. The Rockland County Highway Department has reviewed the plans and information offered the following:

- The proposed action would have a de-minimis impact upon the County Highway System and poses no objection to the local determination.

12. 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.

13. The Town of Orangetown Bureau of Fire Prevention reviewed the information and offered the following comment:

- The driveway to the beginning of the new proposed lot is almost 180 feet long. It has to be stabilized to hold a 75,000 lb. Emergency Vehicle.

14. 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

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

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

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17. 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 Resubdivision Plan Approval pursuant to Town Code §21 and §6A.

18. TREE PROTECTION: The following note shall be placed on the Resubdivision 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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19. All landscaping shown on the Resubdivision 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.

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

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

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

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

24. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and 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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25. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

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

The Clerk to the Board is hereby authorized, directed and empowered to sign this **DECISION** and file a certified copy in the Office of the Town Clerk and the Office of the Planning Board.

Dated: March 13, 2019

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

attachment



TOWN OF ORANGETOWN
2019 MAR 28 P 2:01
TOWN CLERK'S OFFICE

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

**PB #19-15: Quinlan Minor Resubdivision
Preliminary Resubdivision Plan Approval
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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: Quinlan Minor Resubdivision; Preliminary
Resubdivision Plan Approval Subject to Conditions/ Neg. Dec.**

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Resubdivision Plan Review

LOCATION: The site is located at 20 Center Street, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.19, Block 2, Lots 36 & 38 in the RG zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

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**PB#19-16: Subaru Distributor Corp
Parking Lot Repair Site Plan
Final Site Plan Approval Subject to Conditions/ Neg. Dec.**

Permit #48361

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

RE: Subaru Distributor Corp Parking Lot Repair Site Plan: The application of Subaru Distribution Center, owner, for a Prepreliminary/ Preliminary/ Final Parking Lot Repair Site Plan Review at a site known as “**Subaru Distribution Corp. Parking Lot Repair 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 6 Ramland Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.20, Block 1, Lot 23 & 25; in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, March 13, 2019**, the Board made the following determinations:

Donald Brenner, Dain Landon, Diego Villareale and David Bilow appeared and testified.

The Board received the following communications:

1. Project Review Committee Reports dated March 6, 2019.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., Director, dated March 10, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., March 8, 2019.
4. A letter from Brooker Engineering signed by Kenneth DeGennaro, dated March 13, 2019.
5. A letter from Rockland County Department of Planning, from Arlene Miller, Principal Planner, dated March 5, 2019.
6. Letters from Rockland County Department of Highway, signed by Dyan Rajasingham, Engineer III, dated March 4, 2019 and Joseph Arena, dated March 9, 2019
7. Letters from Rockland County Department of Health, signed by Liz Mello, P.E., Senior Public Health Engineer, dated March 1, 2019.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated February 27, 2019.
9. A Short Environmental Assessment Form, signed by Diego Villareale, P.E. dated January 18, 2019.
10. Building Permit Referral dated November 26, 2018, prepared by Rick Oliver, Building Inspector.
11. Project Narrative prepared by Donald Brenner, P.E., LL.B. dated January 28, 2019

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12. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, Acting Chair, dated February 20, 2019.

13. Site Plan prepared by JMC Site Development Consultants, LLC, last revision date of January 15, 2019, unless noted:

- SP-1: Cover Sheet
- SP-2: Existing Conditions Map (Phase 2)
- SP-3: Site Demolition Plan (Phase 2)
- SP-4: Site Layout Plan (Phase 2)
- SP-5: Site Grading Plan & Utilities Plan (Phase 2), last revised January 22, 2019
- SP-6: Site Erosion & Sediment Control Plan (Phase 2)
- SP-7: Site Landscaping Plan (Phase 2)
- SP-8: Site Lighting Plan (Phase 2)
- SP-9: Site Details (Phase 2)
- SP-10: Site Details (Phase 2)
- SP-11: Site Details (Phase 2)

14. Architectural Plans prepared by Bilow Garrett Group, last revised August 10, 2016, unless noted:

- SK-100: First Floor Sketches, dated January 30, 2019
- SK-101: Second Floor Sketches, dated January 30, 2019
- A-200: Building Elevations, dated October 15, 2018
- EX-100: Overall Ground Floor Plan
- EX-101: Second & Mezzanine Plan
- EX-102: Ground & Second Office Floor Plans
- EX-103: Ground Floor & Mezzanine Plans

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

Public Comment:

Patrick McIlmurray, 138 Penn Court, Orangeburg, discussed the history of the site and requested information regarding the placement of loading docks. He noted that in January, 2019 there was a lot of noise coming from the site, as well as lights on all evening. Mr. McIlmurray requested that there be a time limit on the lights in the new structure.

Steve DeSalvio, 262 Trenton Place, Orangeburg, questioned if there was a repair shop on the east side of the building, wanted to know if doors would be replaced and questioned if the operation of the site would be changing.

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Mitch Shalom, 76 Minuet Man Circle, Orangeburg, raised concerns regarding the lights that are on all night in the new building, requesting that the lights be turned off at night.

Frank Macherse, 219 Betsy Ross Drive, Orangeburg, expressed concerns regarding the current noise and lights coming from the site.

Heather Hurley, 202 Hobart Street, Pearl River, wanted to know about the habitat disturbance regulations by NYSDEC and impact of the project. She noted that the project was similar to a project in Pearl River where a bat habitat was disturbed. Ms Hurley also discussed the possibility of the disturbance of eagles. She requested that the environmental issues be resolved before construction starts and that the Final Approval for this project is not warranted now.

Tanya Witek, 109 Newport Avenue, Tappan, raised concerns regarding the location of a Bald Eagle nest.

Scott Skura, 42 Yale Terrace, Blauvelt, requested information regarding the use of the building and if it was going to change.

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

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

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

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**PB#19-16: Subaru Distributor Corp
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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 JMC Consulting, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Health Department, Rockland County Department of Highway, Rockland County Sewer District No.1, and having reviewed proposed Site Plan by prepared by JMC Consulting, 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 Bruce Bond and seconded by William Young and carried as follows: Thomas Warren – Chairman, aye; William Young – Vice Chairman, aye; Michael Mandel, nay; Stephen Sweeney, aye; Bruce Bond, aye; Robert Dell, absent and Blythe Yost, aye, the Board made a Negative Declaration pursuant to SEQRA.

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.
4. The required parking must be shown in the Bulk Chart.
5. The revised Site and Landscaping Plans shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review (ACABOR) prior to stamping the Site Plans.
6. The applicant must amend the building permit application to include the proposed building exterior renovations and is required to obtain ACABOR approval.
7. The applicant shall review the wildlife habitat in accordance with New York State Department of Environmental Conservation regulations and any needed permits obtained.
8. The amended/ revised SWPPP/ drainage calculations, dated February 20, 2019 are under review by DEME. The applicant's engineer is reminded that updated Certifications (Owner, SWPPP Preparer, Qualified Inspector, Contractor, Sub-Contractor – if applicable) are required for the revised SWPPP.

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**PB#19-16: Subaru Distributor Corp
Parking Lot Repair Site Plan**

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9. The total area of disturbance for Phase 2 shall be listed on the plans.

10. A revised post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to DEME and the Town of Orangetown Town Attorney's Office for review and approval. The applicant's engineer shall contact DEME to review the required revisions.

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

- As the proposed expansion is expected to generate more traffic flow in the area, it may have some negative impact on the level of service on the County Road. A traffic impact study (TIS) may be required to determine the effects and mitigate them, if necessary.

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

- Application is to be made to the Rockland County Department of Health for review for compliance with the County Mosquito Code.

13. 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.

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

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

15. 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.

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

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

18. 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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19. 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.

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

21. 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).

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

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

25. 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 Resubdivision Plan Approval pursuant to Town Code §21 and §6A.

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

The Clerk to the Board is hereby authorized, directed and empowered to sign this **DECISION** and file a certified copy in the Office of the Town Clerk and the Office of the Planning Board.

DATED: March 13, 2019
Cheryl Coopersmith
Chief Clerk Boards and Commissions
attachment



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

**PB#19-16: Subaru Distributor Corp
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**Town of Orangetown Planning Board Decision
March 13, 2019**

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

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

**NAME OF ACTION: Subaru Distributor Corp -
Final Parking Lot Repair Site Plan Approval Subject to Conditions/ Neg.
Dec. /Neg. Dec.**

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 6 Ramland Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.20, Block 1, Lot 23 & 25; 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:

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 and Applicant, Involved Agencies

TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN