

**Meeting of March 28, 2018  
Town of Orangetown Planning Board**

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

**MEMBERS ABSENT:** None

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

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

**140 Oak Tree Road Roof Top Wireless  
Telecommunication Facility Site Plan  
and Special Permit**  
Prepreliminary/ Preliminary/ Final Site  
Plan, Special Permit and SEQRA Review  
140 Oak Tree Road, Tappan  
77.15/2/47; CS zoning district

**PB #18-13  
Special Permit Granted  
and Final Site Plan  
Approval Subject to  
Conditions/ Neg. Dec.**

**Other Business:**

**1. Town Board Referrals-**

- Amendment Chapter 43, Zoning
  - Regulation of Devices in Public Right of Ways & Easements. The Board reviewed the information and offered the following comments:
    - See Page 9, item (I), Other Requirements; sub (2). Does "others" in line 2 include homeowners?
    - In these dangerous times, no one should be permitted on utility poles that carry telecommunication, cable and/or electrical, unless licensed, insured and first obtaining a permit for the overall safety and good of the community of Orangetown.
  - Amendment to Zoning Map – Town Plaza II: Portions of lot located in LI to CC zoning district. The Board reviewed the information; consented to the Town Board to be lead agency in SEQRA and had no further comment.

**2. Review of Subaru Distribution Site Plan:**

Condition #15 of PB #16-43: "Placement of Contractor trailer shall be located as approved by the Planning Board." The Board reviewed and approved the submitted plan noting the proposed construction trailer location.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Kevin Garvey and seconded by Michael Mandel and agreed to by all in attendance. The meeting was adjourned at 8:05 p.m. The next Planning Board meeting is scheduled for April 11, 2018.

**DATED: March 28, 2018**

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



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**PB #18-13: 140 Oak Tree Road Roof Top Wireless      Permit #47118**  
**Telecommunication Facility Site Plan**  
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**Final Site Plan Approval Subject to Conditions/ Neg. Dec. and Special**  
**Permit Granted**

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**TO:            Leslie Snyder, Snyder & Snyder, 94 White Plains Road,**  
**Tarrytown, New York 10591**  
**FROM:        Orangetown Planning Board**

**RE:            140 Oak Tree Road Roof Top Wireless Telecommunication**  
**Facilities Plan and Special Permit: 140 Oak Tree Road Rooftop Wireless**  
Telecommunication Facility Site Plan and Special Permit Plan: The application of Verizon Wireless, applicant for DMBSTJL, owner, for Prepreliminary/ Preliminary/ Final Site Plan and Special Permit Review at a site known as “**140 Oak Tree Road Rooftop Wireless Telecommunication Facility Site Plan and Special Permit**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 140 Oak Tree Road, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.15, Block 2, Lot 47 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, March 28, 2018**, the Board made the following determinations:

Leslie Snyder and James Dlugosz appeared and testified for the applicant. The Board received the following communications:

1. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, AIA, Director, dated March 23, 2018.
2. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., March 21, 2018.
3. Letters from the Rockland County Department of Planning, signed by Douglas J. Schuetz, Acting Commissioner of Planning, dated March 27, 2018 and Arlene Miller, dated March 26, 2018.
4. Letters from the Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated March 19, 2018.
5. A letter from the Rockland County Highway Department, signed by Dyan Rajasingham, Engineer II, dated February 27, 2018.
6. A letter from Rockland County Sewer District, signed by Joseph LaFiandra, Engineer II, dated March 16, 2018.
7. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, Acting Chair, dated March 8, 2018.

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**PB #18-13: 140 Oak Tree Road Roof Top Wireless Telecommunication Facility Site Plan and Special Permit**                      **Permit #47118**  
**Final Site Plan Approval Subject to Conditions/ Neg. Dec. and Special Permit Granted**

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8. A letter to the Planning Board from Snyder & Snyder, LLP signed by Jordan Fry, Esq., dated February 14, 2018.
9. An Affidavit from Verizon Wireless radio frequency consultant, Khondoker Khoda, dated February 8, 2018, with the following exhibits:
  - Existing Coverage and Proposed Coverage maps,
  - Sparkill Gamma Sector Projected Demand
  - Orangeburg Alpha Sector Projected Demand
  - Verizon Wireless Surrounding Sites
  - Structural Certification Letter signed by David Weinpahl, P.E., of On Air Engineering, LLC., dated September 25, 2017.
10. A report entitled "Antenna Site FCC Compliance Assessment and Report", prepared by Pinnacle Telecom Group, dated December 4, 2017.
11. Copy of the Building Permit Referral to the Planning Board, signed by Rick Oliver, Building Inspector, dated November 30, 2018.
12. Submitted by applicant; Memorandum in Support of Application for Special Permit and Site Plan Approval for a Public Utility Wireless Communication Facility, prepared by Jordan Fry, Esq., Snyder & Snyder, LLP, dated February 14, 2018.
13. A Short Environmental Assessment Form, signed by David Weinpahl, P.E., dated January 5, 2018.
14. Plans prepared by On Air Engineering, dated September 25, 2018, last revised January 18, 2018:
  - Sheet Number T-1: Cover Sheet
  - Sheet Number C-1: Site Layout
  - Sheet Number A-1: Roof Plan
  - Sheet Number A-2: South Elevation & Line of sight East Elevation
  - Sheet Number A-3: Equipment Details
15. Submitted at the meeting by the applicant, photographs of the site.
16. A copy of the Town of Orangetown Town Code; Chapter 43, Zoning Article VIII. Conditional Use Standards, § 8.15. Wireless communication facilities. The Board reviewed the plans.

The Board reviewed the plans. The meeting was open to the Public. There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Stephen Sweeney and second by Michael Mandel and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Kevin Garvey, aye; Michael Mandel, aye; Robert Dell, aye; Blythe Yost, aye and Stephen Sweeney, 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 Kevin Garvey and seconded by Stephen Sweeney and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Kevin Garvey, aye; Michael Mandel, aye; Robert Dell, aye; Blythe Yost, aye and Stephen Sweeney, aye, 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, the applicant's professional representatives, namely On Air Engineering and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Sewer District No.1, and having reviewed proposed Site Plans by prepared by On Air Engineering a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

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

**DECISION: In view of the foregoing and the testimony before the Board, the application was granted a SPECIAL PERMIT.**

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

**WAIVE: Architecture and Community Appearance Board of Review - A** motion was made to **Waive** the need to appear in front of the Town of Orangetown Architecture and Community Appearance Board for review by Thomas Warren and second by Kevin Garvey and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Michael Mandel, aye; Blythe Yost, aye; Robert Dell, aye; Kevin Garvey, aye and Stephen Sweeney, aye

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

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

2. 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.

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3. There is proposed electrical equipment shown on drawing A-1, at the Oak Tree Road/Lexington Avenue intersection face of the building. This information shall be shown on the elevation, drawing 2/A-2. Additional screening shall be provided as the existing and proposed equipment is visible from the intersection. The placement of any additional landscaping for the applicant's equipment shall be subject to the property owner's approval and the revised plans shall be approved by the Director of the Office of Building, Zoning, Planning Administration and Enforcement.

4. The Distance of equipment from the edge of the roof shall be shown on the plan. A line of site view from neighboring residential properties on Lexington Avenue shall be provided and consideration given for proposed locations and screening options.

5. The pipe mounting detail shall be provided for connection to the existing roof deck.

6. The proposed equipment shall be painted the same color of the existing building.

7. The Short Environmental Assessment Form shall be revised as follows and resubmitted:

- #9. Is answered "Yes"; provide an explanation
- #13. Is answered "No", provide an explanation

8. The Rockland County Department of Planning reviewed the plans and provided the following comments which are incorporated herein as conditions of approval:

- A review must be completed by the New York State Department of Transportation, and any required permits obtained.
- The Town of Orangetown must be assured that all requirements of Chapter 43, Section 8.15, Wireless Communications Facilities have been met.

9. The Rockland County Department of Health has received the plans and based on the information provided, there are no Rockland County Health Department approvals associated with this application.

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

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11. The Rockland County Highway Department held that the proposed action would have a de-minimis impact upon the County Highway System and therefore, poses no objection to the local determination unless changes are proposed to the project in the future.

12. 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
- Town of Orangetown Zoning Board of Appeals
- Rockland County Department of Planning
- Rockland County Health Department

13. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans 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.

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

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

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

19. 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

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

The foregoing Resolution was made and moved by Thomas Warren, Chairman, and seconded by Michael Mandel and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Kevin Garvey, aye; Blythe Yost, aye; Michael Mandel, aye; Robert Dell, aye, and Stephen Sweeney, 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 28, 2018**  
**Town of Orangetown Planning Board**  
attachment



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

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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: 140 Oak Tree Road Roof Top Wireless  
Telecommunication Facility Site Plan and Special Permit**

SEQR STATUS:   Type I \_\_\_\_\_ Unlisted XXXXXX  
CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX

**DESCRIPTION OF ACTION: Special Permit and Site Plan Review**

**LOCATION:** The site is located at 140 Oak Tree Road, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.15, Block 2, Lot 47 in the CS zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

TOWN CLERK'S OFFICE

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,