

**Meeting of November 14, 2018  
Town of Orangetown Planning Board**

**MEMBERS PRESENT:** Thomas Warren, Chairman; William Young, Vice-Chairman; Stephen Sweeney; Blythe Yost; Robert Dell; Kevin Garvey and Bruce Bond, alternate

**MEMBERS ABSENT:** Michael Mandel

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

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

**Continued Item from October 10, 2018 Meeting:**

<b>Palisades Veterinary Hospital Site Plan</b>	<b>PB #18-38</b>
Preliminary/ Preliminary/ Final Site Plan and SEQRA Review	<b>Final Site Plan Approval Subject to Conditions Neg. Dec.</b>
37 Hunt Road, Orangeburg	
73.15/1/11; R-80 zoning district	

**New Items:**

<b>Rubano Site Plan</b>	<b>PB #18-42</b>
Critical Environmental Area	<b>Continued: Needs Drainage</b>
Prepreliminary/Preliminary/ Final Site Plan and SEQRA Review	
1129 & 1130 Route 9W, Upper Grandview	
71.05/2/24 & 29; RG zoning district	

<b>Bloomberg Helipad Plan</b>	<b>Withdrawn by Applicant</b>	<b>PB #18-43</b>
Prepreliminary/Preliminary/ Final Site Plan and SEQRA Review		
Amendment to Approved 155 Corporate Drive Site Plan		
40 Corporate Drive, Orangeburg		
73.19/1/1; LIO zoning district		

<b>Orangetown Commerce Center Site Plan</b>	<b>PB #18-44</b>
Amendment to Approved Site Plan	<b>Final Site Plan Approval Subject to Conditions</b>
Final Site Plan Review	
5 Greenbush Road, Orangeburg	
74.15/1/2; LI zoning district	

BRUCE BOND, ALTERNATE  
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TOWN OF ORANGETOWN

**Meeting of November 14, 2018  
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**Orangetown Commerce Center Internal Commercial Subdivision Plan**  
Amendment to Approved Subdivision Plan  
Final Subdivision Plan Review  
5 Greenbush Road, Orangeburg  
74.15/1/2; LI zoning district

**PB #18-45**

**Final Internal Commercial Subdivision Plan Approval Subject to Conditions**

**Diversified Glass & Storefront Plan**  
Prepreliminary/Preliminary/Final  
Conditional Use Permit and SEQRA Review  
8 Olympic Drive, Orangeburg  
73.15/1/16; LIO zoning district

**PB #18-46**

**Final Conditional Use Permit Approval Subject to Conditions  
Neg. Dec.**

**C & E Island Flavor Site Plan/ Parking Plan**  
Preliminary/ Final Site Plan and  
Parking Plan Review  
500 Route 303, Orangeburg  
74.07/1/6; CC zoning district

**PB #18-04(B)**

**Final Site Plan/ Parking Plan Subject to Conditions  
Reaffirmation of SEQRA**

**Other Business:**

1. **Munno's Italian Deli Temporary Storage Units**; 51 East Central Avenue, Pearl River, Section 68.16, Block 6, Lot 56. The Board reviewed the request and held that the location of the three refrigeration units at the rear of the site is acceptable, and as noted on the submitted plan. The proposed layout is permitted for the time frame between Mid-November to January 4<sup>th</sup>. Applicant must renew permit annually, at least 45 days prior to the issuance of the permit.
2. Town Board Referrals for comments.
  - Proposed Local Law Chapter 22; **Noise**. The Board reviewed the information provided and **had no comment**.
  - Proposed Local Law Amendment Local Law No 4-1967, Chapter 39; **Traffic Flow at the Pearl River Railroad Station**. The Board reviewed the information provided and **had no comment**.
  - Proposed Local Law Amendment to Chapter 39; **Taxi Stand**. The Board reviewed the information provided and **had no comment**.

The decisions of the November 14, 2018 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Stephen Sweeney and seconded by Blythe Yost and carried as follows: Thomas Warren, Chairman, aye; William Young Vice Chairman, aye; Michael Mandel, abstain; Kevin Garvey, absent; Blythe Yost, aye; Robert Dell, aye; 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 Stephen Sweeney and seconded by Bruce Bond and agreed to by all in attendance. The meeting was adjourned at 8:15 p.m. The next Planning Board meeting is scheduled for December 12, 2018.

*Cheryl Coopersmith*

**DATED: November 14, 2018**

**Cheryl Coopersmith, Chief Clerk Boards and Commissions**

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**PB #18-38: Palisades Veterinary Hospital Site  
Final Site Plan Approval Subject to Conditions/ Neg. Dec.**

**Permit #47346**

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**TO: Jay Samuelson, P.E., 71 Clinton Street, Montgomery, New York  
FROM: Orangetown Planning Board**

**RE: Palisades Veterinary Hospital Site Plan:** The application of KazzieGirl, LLC, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site known as **“Palisades Veterinary Hospital 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 37 Hunt Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.15, Block 1, Lot 11 in the R-80 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, October 10 and November 14, 2018** at which time the Board made the following determinations:

**October 10, 2018**

Jay Samuelson and Ean Bauer appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated October 3, 2018.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated October 9, 2018.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 4, 2018.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated September 24, 2018.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated October 9, 2018.
6. Letters from the Rockland County Highway Department signed by Dyan Rajasingham, Engineer III, dated October 3, 2018 and Joseph Arena, dated October 9, 2018.
7. A letter from the Rockland County Department of Health, signed by Elizabeth Mello, P.E. dated October 9, 2018.
8. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer II, dated October 1, 2018.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, Action Chair dated October 3, 2018.
10. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, dated October 3, 2018.
11. An interdepartmental memorandum from Michael Bettmann, Chief Fire Inspector, Bureau of Fire Prevention, Town of Orangetown, dated September 28, 2018.

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**PB #18-38: Palisades Veterinary Hospital Site  
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12. A Short Environmental Assessment Form, signed by Jay Samuelson, dated March 16, 2018.
13. A Project Narrative dated September 20, 2018.
14. Site Plans prepared by Engineering & Surveying Properties, signed and sealed by Jay Samuelson, P.E., dated June 1, 2018, last revised July 20, 2018:
  - C-101: Site Plan
  - C-201: Details
15. Stormwater Pollution Plan prepared by Engineering & surveying Properties, dated June, 2018.
16. Building Permit Referral dated February 15, 2018 prepared by Rick Oliver, Building Inspector.

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

The Applicant requested a **CONTINUATION**.

**November 14, 2018**

1. Project Review Committee Report dated November 7, 2018.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, prepared by Jane Slavin, R.A., AIA, Director, dated November 13, 2018.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated November 9, 2018.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated November 12, 2018.
5. Site Plans prepared by Engineering & Surveying Properties, signed and sealed by Jay Samuelson, P.E., dated June 1, 2018, last revised October 22, 2018:
  - C-101: Site Plan
  - C-102: Grading, Drainage, Utility Plan & Driveway Profile
  - C-201: Details
  - C-202: Details
6. Stormwater Pollution Plan prepared by Engineering & surveying Properties, dated June, 2018, revised October, 2018.
7. Copy of an application to New York State Department of Environmental Conservation, for Approval of Plans for a Wastewater Disposal System.
8. A letter from Engineering & Surveying Properties, dated October 22, 2018, signed by Jay Samuelson, P.E., Principal.
9. A letter from the New York State Department of Environmental Conservation, dated October 24, 2018, signed by Victoria Lawrence, Division of Environmental Permits, Region 3.

**PB #18-38: Palisades Veterinary Hospital Site  
Final Site Plan Approval Subject to Conditions/ Neg. Dec.**

**Permit #47346**

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

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

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

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely by Engineering & Surveying Properties, signed and sealed by Jay Samuelson, P.E., and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District No.1, Rockland County Drainage Agency, Rockland County Department of Highways and Rockland County Health Department, a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important 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.
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;

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

**DECISION: In view of the foregoing and the testimony before the Board, the application was granted Final 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: "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.
5. The grading for the proposed driveway shall be revised to show that the first 30 feet of the driveway at the intersection of Hunt Road, has a slope of no more than 3%. This grading revision shall also be reflected on the driveway profile.
6. The grass swales along the driveway shall be labeled as such on the drawings.
7. Stone check dams shall be added to the grass swale on the north side of the driveway.
8. Individual profiles for the grass swales on both sides of the driveway shall be added to the plans. The profiles shall also depict the locations of the check dam.
9. A profile for the proposed Duraslot trench drain shall be added to the drawings.
10. The stormwater pollution plan is under review by DEME.
11. Legends shall be added to the drawings.
12. This is the second drainage review report for this project by Brooker Engineering, the Planning Board Drainage Consultant; the last review was dated September 24, 2018. The site contains a one story building on a wooded lot. There is an existing driveway along the southern portion of the property. Stormwater runoff flows downhill in an easterly direction. The site abuts the recently constructed Brightview at Lake Tappan project to the north.

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**Continuation of Condition #12...**

The project involves the removal of the existing driveway and construction of a new 20 feet wide driveway and 14 space parking lot. The existing building will remain and have a 1,600 square feet building addition on the south side and a 200 square feet addition at the northeast corner. For this submission, stormwater management facilities consisting of an infiltration basin have been provided to mitigate against increases in stormwater runoff. Stormwater runoff from the building and west parking area is directed to this stormwater facility.

**Project Comments**

1. Provide an earthen berm in lieu of a stone check dam along the east (downhill) side of the Infiltration Trench. The 100-year water surface of 84.65 shall be contained within the depression.
2. Provide a specification for sandy soil in lieu of topsoil at the top of the Infiltration Trench in order to allow stormwater runoff that flows directly to the Infiltration Trench to infiltrate to the stone layer.
3. Provide the elevations of the stone and soil in the Infiltration Trench Detail.
4. Provide the stage versus storage and stage versus discharge curves used in the hydrograph routing calculations.

**Drainage Review Recommendation**

The applicant is proposing to increase the impervious area and has provided stormwater management facilities for mitigation. The drainage analysis demonstrates that potential significant impacts with respect to drainage can be mitigated. The Drainage consultant therefore recommends that the Palisades Veterinary Hospital Site Plan be approved subject to the above Project Comments.

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

- The comments in the August 23, 2018 letter from the Rockland County Department of Health must be met. Specifically, the existing private well cannot be used to supply water for the proposed use without RCDOH review and approval, as the proposed use would potentially meet the NYS Department of Health definition of a public water system. The existing private well was not designed, permitted or constructed to public water supply standards, and cannot be used to supply a public water system.
- The site plan must highlight all of the variances that were required in order to implement the proposed additions to the building. In addition, a map note must be provided that lists that the variances were granted by the Zoning Board of Appeals, including the date of the meeting, and the Zoning Board of Appeals decision number.

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**Continuation of Condition #13...**

- A landscaping plan that meets all Town requirements must be provided.
- A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- All proposed signage must be shown on the site plan, and shall conform to the Town's sign standards.
- 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.

**14. The Rockland County Highway Department reviewed the plan and provided the following comments:**

- The site address indicated on the title block shall be changed to "Rockland County."
- Since the proposed driveway for the facility slopes down to Hunt Road, the Highway Department would recommend installing catch basins on the driveway, close to Hunt Road, to avoid stormwater runoff onto the roadway.
- The proposed drainage system shall be designed such that there would be no net increase in the peak rate of discharge from the site at all design points.
- A "STOP" traffic control sign and stop bar shall be required on the driveway.

**15. The Rockland County Department of Health (RCDOH) reviewed the submitted material and provided the following comments:**

- RCDOH does not have records of an approval for the existing onsite well. The applicant's engineer shall call RCDOH to discuss potential usage of the existing well to serve the proposed project.
- Application is to be made to RCDOH for review of the system for compliance with the County Mosquito Code.

**16. The Town of Orangetown Bureau of Fire Prevention (Bureau) reviewed the plan and offered the following comments.**

- Install an NFPA 72 Compliant Fire Alarm connected to Rockland County 44 Control, with plans submitted to the Bureau prior to any work beginning.
- Portable Fire Extinguishers as per NFPA 10.
- Provide Emergency Lighting as per NEC.
- Install Key Box, location to be determined.
- Review the grade of the driveway, it appears to be greater than 10% (11.13)

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17. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to Chapter 846, Rockland County Stream Control Act, is not required. The review and approval of proposal for this site, including stormwater management and erosion control designs appear to be within the jurisdiction of the appropriate local municipal land use board and department. However, the RCDA has concerns about the potential impact of the project as currently proposed. Therefore, as an interested and involved agency pursuant to SEQRA, the RCDA offers the following comment regarding the above referenced proposal based on the information submitted:

- The RCDA has concerns with respect to the potential increase in stormwater discharge and/or reduction in onsite floodwater storage that may impact the floodplain areas and/or decrease in groundwater recharge, as a consequence of the proposed development. Therefore, as an interested and involved agency pursuant to SEQRA, please have the applicant provide stormwater management measures with supporting calculations demonstrating that the proposed development will not result any increase in runoff from the site

18. 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.

19. The New York State Department of Environmental Conservation (DEC) indicated that based upon its review of the circulated documents, it appears that the project may require the following permits:

- **Protection of Waters:** There are no waterbodies that appear on our regulatory maps at the location identified. If a permit is not required, note that the applicant is still responsible for ensuring that work shall not pollute any stream or waterbody. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.
- **Freshwater Wetlands:** The project is not within a New York State protected Freshwater Wetland.
- **State – Listed Species:** DEC has reviewed the State's Natural Heritage records and have determined that the site is located within or near known occurrences of the following state-listed species:

- Name - Bald eagle (*Haliaeetus leucocephalus*)
- Status - Threatened

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**Continuation of Condition #19...**

Any potential impacts of the proposed project on these species shall be fully evaluated during the review of the project pursuant to SEQR. An Article 11, Title 5 Section 535 of Environmental Conservation Law Threatened and Endangered Species Incidental "Take" Permit is required for the incidental taking of any species identified as "endangered" or "threatened", which can include the removal of habitat.

Bald eagle nests have been documented in proximity to the project location. Impacts to this species shall be assessed following the National Bald Eagle Management Guidelines

(<https://www.fws.gov/northeast/ecologicalservices/pdf/NationalBaldEagleManagementGuidelines.pdf>.) If project related impacts cannot be fully avoided or minimized, a permit for incidental take may be needed. The acceptable work window that would not result in any impacts to breeding eagles in the area would be October 1<sup>st</sup> to December 31<sup>st</sup>. For work proposed outside of this window, additional information is needed, including when construction activities are proposed to take place, what equipment would be used, and noise levels from construction and operation activities as compared to ambient noise levels. The information on eagle nest locations represents the current knowledge of these resources. New eagle nests could be documented with each breeding season and should at that point, need to be addressed as well. Check each year with NYSDE Bureau of Wildlife to see if any new nests have been established.

- No records of sensitive resources were identified by this review. The absence of data does not necessarily mean that rare or state listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site.
- **SPDES Stormwater (Construction):** The submitted documents indicate that approximately 0.6 acres (of the 1.4 acre site) are to be disturbed in order to develop the parcel. Compliance with the current SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-15-002) is required for projects that disturb one or more acres of land. If the project is revised so that one or more acres are proposed to be disturbed, the applicant must prepare a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the current SPDES General Permit noted above. As the Town of Orangetown is an MS4 area (Municipal Separate Storm Sewer System), the Town has the responsibility for review of the SWPPP. The MS4 Acceptance Form must be submitted to NYSDEC.

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**Continuation of Condition #19...**

- **Cultural Resources:** DEC has reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources. Visit NYS Office of Historic Preservation website at [nysparks.com/shop/online-tools](http://nysparks.com/shop/online-tools).
- Other permits from DEC or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and therefore, the applicant should verify the need for permits if the project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified.

**20. 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 Health Department
- Rockland County Drainage Agency
- Rockland County Highway Department
- New York State Department of Environmental Conservation

**21. 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.**

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

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

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**24. 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.

**25.** 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.

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

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

28. 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).

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

30. 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

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

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

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

**Dated: November 14, 2018**  
**Cheryl Coopersmith, Chief Clerk Boards and Commissions**  
**Town of Orangetown Planning Board**



TOWN CLERK'S OFFICE  
DEC 14 P 1:21  
TOWN OF ORANGETOWN





**PB#18-44: Orangetown Commerce  
Center Site Plan Amendment  
Final Site Plan Approval Subject to Conditions**

**Permit #45127**

**Town of Orangetown Planning Board Decision  
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**TO: Noelle Wolfson, Hocherman, Tortorella & Wekstein, 1 North  
Broadway, Suite 701, White Plains, NY 10601**  
**FROM: Orangetown Planning Board**

**RE: Orangetown Commerce Center Site Plan:** The application of BF Orangetown LLC, owner, for Final Site Plan Amendment to the Filed Site Plan Review at a site to be known as **“Orangetown Commerce Site Plan Amendment”**, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 5 Greenbush Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.15, Block 1, Lot 2 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, November 14, 2018**, the Board made the following determinations:

Noelle Wolfson and Alfred Rossi and appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated November 7, 2018.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, AIA, Director dated November 13, 2018.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated November 8, 2018.
4. A letter from Brooker Engineering, signed by Kenneth DeGennario, P.E., dated November 13, 2018.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated November 7, 2018.
6. A letter from the Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer dated November 13, 2018.
7. A letter from the Rockland County Highway Department, signed by Dian Rajasingham, Engineer III dated October 19, 2018.
8. A letter from the New York State Department of Transportation, signed by Joseph Taylor, Permit Engineer, dated September 12, 2018.
9. A letter from Hocherman, Tortorella & Wekstein, signed by Noelle Wolfson, dated October 2, 2018, with an attachment of the Amended Declaration of Covenant for the Annual Inspection and Maintenance of Stormwater Control Facilities.

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10. Copies of the following Board Decisions: ACABOR #18-36, Approved as Presented, dated September 6, 2018, PB #18-29, Preliminary Site Plan approval Subject to Conditions, dated July 25, 2018 and PB #18-30, Preliminary Internal Commercial Subdivision Plan Approval Subject to Conditions, dated July 25, 2018.

11. Site Plans prepared by Leonard Jackson Associates and Langan:

<u>Drawing Description</u>	<u>Original Date</u>	<u>Last Revision Date</u>
1: Title Sheet	1/15/16	9/21/18
2: Layout Plan	1/15/16	9/21/18
3: Grading, Drainage & Utility Plan	1/15/16	5/08/18
4: Sediment and Erosion Control Plan	1/15/16	5/08/18
5A: Landscaping Plan	3/04/16	5/08/18
5B: Landscaping/ Lighting Notes and Details, dated February 8, 2016	3/04/16	5/08/18
5C: Landscaping Plan	5/23/16	5/08/18
6: Lighting Plan	3/04/16	5/08/18
7: Construction Details (1 of 4)	1/15/16	4/15/17
8A: Construction Details (2 of 4)	1/15/16	9/27/17
8B: Construction Details (3 of 4)	8/14/17	
9: Construction Details (4 of 4)	1/15/16	8/14/17
10: Storm Profiles	1/15/16	5/08/18
11: Pond Cross Sections and Sanitary Sewer Profiles	1/15/16	9/27/17
12: Site Cap Plan	1/15/16	5/08/18
13: Boring Location Plan	1/15/16	5/08/18
14: Demolition Plan	1/15/16	5/08/18
15: Snow Management Plan	9/16/16	5/08/18
16: Commercial Subdivision	9/16/16	5/08/18

12. Survey of Property prepared by Jay Greenwell, PLS dated December 18, 2014, last revision date of March 27, 2017: Sheets 1 and Sheets 2.

13. Architectural Plans prepared by Dahn & Krieger Architects Planners dated May 3, 2018, last revised September 27, 2018:

A.01: Proposed Overall Floor Plan and Elevations

A.02: Proposed Partial Floor Plans

A.03: Proposed Partial Floor Plan

A.04: Proposed Elevations

S.01: Foundation Plan

14. Monument Sign plans prepared by Allied Signage, dated March 1, 2018.

15. Building Permit Referral dated February 26, 2016 provided by Rick Oliver, Building Inspector.

TOWN OF ORANGETOWN

PLANNING BOARD

NOVEMBER 14, 2018

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

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

**REAFFIRMATION OF SEQRA**

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Leonard Jackson Associates and the Town of Orangetown's engineering consultant, Brooker Engineering, and having heard from the following offices, officials and/or Departments of the Town of Orangetown: Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies: Rockland County Sewer District No.1, Rockland County Department of Health, Rockland County Drainage Agency and having reviewed the proposed Site Plans by prepared by Leonard Jackson Associates, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;

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

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

**DECISION: In view of the foregoing and the testimony before the Board, the application was granted Final Site Plan Amendment 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.

NOV 14 2018 10:00 AM  
TOWN OF ORANGETOWN

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3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m. Place this as a note on the Site Plan.
4. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ACABOR #18-36, Approved as Presented, dated September 6, 2018, PB #18-29, Preliminary Site Plan approval Subject to Conditions, dated July 25, 2018 and PB #18-30, Preliminary Internal Commercial Subdivision Plan Approval Subject to Conditions, dated July 25, 2018.
5. The applicant is advised that a separate permit application is to be submitted to the Town of Orangetown Office of Building, Zoning, Planning Administration and Enforcement (OBZPAE) for any additional subdivision of space.
6. Full construction plans in compliance with the New York State Building Code, Rules and Regulations are required to be submitted to OBZPAE for review and approval prior to a building permit being issued. No work is to commence until a building permit is issued by OBZPAE.
7. The previously approved SWPPP shall be amended to reflect the amended Site Plan. The revisions shall include but not limited: the introduction, the NOI, the Sign Certifications, including drawings, etc.
8. The amended SWPPP shall also note (and provide calculations) for the reduction of the proposed impervious area. Also, the new stormwater management feature, grass-crete paving, shall also be added to the amended SWPPP in all of the appropriate sections (i.e. Introduction, Construction Sequence, Appendix B, Binder #2, etc.)
9. A revised/ amended Post Construction Stormwater Maintenance Agreement shall be prepared to include the long term management of the grass-crete parking areas.
10. The revised sanitary calculations provided are currently under review by DEME.
11. Section 5 of the SWPPP references plans that have since been updated. The current plans/ plan dates shall be referenced.

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**12. Drainage Review Recommendation:** Brooker Engineer, the drainage consultant to the Planning Board offered the following comment: The application has provided sufficient information to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated and recommends that the Orangetown Commerce Center Site Plan be approved for drainage subject to no comments.

**Project Description:** This is the fifth drainage review report for this project, the last drainage review report was dated July 25, 2017, at which time the consultant approved the project for drainage subject to no conditions. The property is located on the west side of Greenbush Road and south of Highview Avenue. The existing parcel has been mostly cleared with some impervious area remaining from the previous use. The land slopes moderately downhill to the east toward Greenbush Road and there is an existing drainage system at Greenbush Road. The storm drainage system in this area includes three 18" pipes, one 24" pipe, and one 60" pipe that cross Greenbush Road and enters the property to the east. For this submission, the applicant's engineer has verified the off-site drainage system and concluded that all off-site runoff from the west travels through the site via the 60 inch RCP near the southern property line, at Stevens Way. The plan includes three separate stormwater management basins to provide mitigation of increases in stormwater runoff. These basins outlet directly to the existing storm drainage system in Greenbush Road. This submission the applicant's engineer has verified the off-site drainage system and concluded that all off-site runoff from the west travels through the site via the 60 inch RCP near the southern property line, at Stevens Way. The plan includes three separate stormwater management basins to provide mitigation of increases in stormwater runoff. These basins outlet directly to the existing storm drainage system in Greenbush Road. This submission (Revision 13) is mostly the same with respect to drainage as the previous submission the Drainage Consultant approved for drainage (Revision 12). The overall impervious area for Revision 12 had a minor decrease (175,619 square feet approved, 175,305 square feet current application) in impervious area for the previously approved plan. Revision 13 plans maintain the same coverage and drainage facilities as the Revision 12 plans. The stormwater management basins are the same size and the overall drainage patterns are the same. The Drainage Consultant has no new Project Comments for this application; previous Project Comments have been addressed.

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

- As indicated in the October 19, 2018 letter from the Rockland County Department of Highways, a drainage report must be submitted to them for review of the drainage system designed for the facility, include a maintenance program for the system. In addition, all other concerns must be met, and all required permits obtained.
- An updated review must be completed by the Rockland County Department of Health (RCDOH) to ensure compliance with Article XIX (Mosquito control) of the Rockland County Sanitary Code. In addition, an application must be made to RCDOH for approval of the sewage disposal system per Article IV, Section 4.2.1 of the Rockland Sanitary Code.
- The existing monitoring wells, if they are to be removed after the clean-up of the site, must be decommissioned in accordance with the specification of Article II of the Rockland County Sanitary Code, and the requirements of New York State Department of Environmental Conservation CP43 well decommissioning guidance. All required permits must be obtained from both NYSDEC and the Rockland County Health Department before the decommission is to occur.
- The site was formerly a State Brownfield Site, and remediation has been completed under the New York State Department of Environmental Conservation Brownfield Cleanup Program. A Site Management Plan is in place to control the potential for direct contact with subsurface soil and groundwater contamination remaining on site. The Town of Orangetown Planning Board and the New York State Department of Environmental Conservation must continue to manage the site, ensuring that the proposed construction is compliance with the procedures established for redevelopment of the site.
- Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of 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.

**14. All Rockland County Health Department (RCDOH) approvals have previously been obtained.**

TOWN CLERK OFFICE  
100 SOUTH MAIN STREET  
ORANGETOWN, NY 10986



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**15.** The Rockland County Highway Department reviewed the plans and offered the following comments:

- This department has received no drainage report. A drainage report shall be submitted for the drainage system designed in the facility. The report shall also include a maintenance program plan for the system. The department would recommend that there shall be a maintenance agreement for the proposed drainage system in the facility to establish a sustainable maintenance program.

**16.** The New York State Department of Transportation (NYSDOT) has reviewed the subject project and is unopposed to the development; however a highway work permit is required to assure that the improvements meet the NYSDOT policy and standards.

**17.** Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is not required based upon its review of the information provided. However, the site appears to be located in close proximity to Sparkill Creek floodplains. Therefore, as an interested and involved agency pursuant to SEQRA, the RCDA offers the following comments on the information submitted:

1. The "Analysis of Existing Conditions" section of the Drainage Report indicates that the site's Hydrological soil type as A/D. However, the Curve Numbers (CN's) for existing conditions represents an average CN of soil types B & C. The runoff calculations must be based on the weighted average of CN and area for each soil. Therefore, please have the applicant conduct site soil tests to determine the specific hydrologic soil type and then revise the stormwater management calculations as necessary.
2. The analysis of existing conditions section of the Drainage Report indicates that the existing site condition includes 2.769 acres of impervious areas (roads, concrete & asphalt and 4.172 acres of dirt and gravel areas and 1.361 acres of bush. However, the sites year 2000 aerial view indicates the entire site land cover is bush/wooded and 2007 aerial view indicates mostly bushes/ wooded area, please see the attached pdf's of site's 2000 & 2007 aerial views. If the land cover has changes since the year 2000, please have the applicant indicate the stormwater management facilities installed to achieve no increase in stormwater runoff from 2.769 acres of impervious areas and 4.172 acres of dirt & gravel areas at the site. Also, have the applicant demonstrate that any and all installed stormwater management systems and its conveyance will not be disturbed/ changed as part of the current proposal. Alternatively, please have the applicant use bush/ wooded area as the existing land cover for the entire site and revise the stormwater management calculations as necessary to demonstrate that the proposed development will not result any increase in stormwater runoff from the site for 100-year 9.0 inch rainfall.

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**Continuation of Condition #17...**

3. The Grading, Drainage and Utility Plan indicates that the proposed stormwater management pond inverts would be approximately 12 feet below the existing grade. Please have the applicant conduct test pits at each of the proposed stormwater management locations to determine the depth to groundwater and demonstrate that the proposed stormwater management facilities would have adequate capacity to mitigate the increase in stormwater runoff from the site for 100-year, 9.0 inch rainfall.
4. The Grading, Drainage and Utility Plan indicates that the proposed project includes three (3) stormwater management ponds; however, it does not indicate any forebay or other pre-treatment systems as necessary to be consistent with the New York State Stormwater Management Design Manual (NYSSMDM). Please have the applicant revise the stormwater management design to be consistent with the current NYSSMDM.

**18.** 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.

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

**20.** 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.

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

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

d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

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

- Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.

- Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

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

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

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

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

**25.** If the applicant, during the course of construction 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 of such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's

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**Continuation of Condition #25...**

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

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

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

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

**Overrides:**

The Board made a motion to override Conditions #5 and #6 of the November 7, 2018 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

**"5.** The lighting plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line. There are still some areas on the plans in which the lighting at the property line exceeds the 0.1 lumens, especially along the western border.

The Board held that the submitted site model does not allow for the actual true readings based on the topography. Therefore, the Planning Board is satisfied with the lighting plan.

A motion to override condition #5 was made and moved by and Bruce Bond seconded by Kevin Garvey and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Bruce Bond, aye; Kevin Garvey, aye; Blythe Yost, aye; Robert Dell, aye; Stephen Sweeney, aye and Michael Mandel, absent.

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**Continuation of Overrides...**

“6. With regard to the internal subdivision, when the actual flex space square footage is determined for the individual internal lots, the associated required parking spaces must also be assessed and identified to go with each unit.”

The Board held that the Planning Board is satisfied with the parking as is based on the prior reviewed and approved submitted plans.

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

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

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

**Dated: November 14, 2018  
Cheryl Coopersmith  
Chief Clerk Boards and Commissions**



TOWN OF ORANGETOWN  
2018 DEC 14 P 1:22  
TOWN CLERK'S OFFICE

**PB#18-45: Orangetown Commerce  
Center Internal Commercial Subdivision Plan Amendment  
Final Subdivision Plan Approval  
Subject to Conditions**

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**TO: Noelle Wolfson, Hocherman, Tortorella & Wekstein, 1 North  
Broadway, Suite 701, White Plains, NY 10601**  
**FROM: Orangetown Planning Board**

**RE: Orangetown Commerce Center Internal Commercial  
Subdivision Plan:** The application of BF Orangetown LLC, owner, for Final Plan Amendment to the Filed Internal Commercial Subdivision Plan Review at a site to be known as **“Orangetown Commerce Internal Commercial Subdivision Plan Amendment”**, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 5 Greenbush Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.15, Block 1, Lot 2 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, November 14, 2016**, the Board made the following determinations:

Noelle Wolfson and Alfred Rossi and appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated November 7, 2018.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, AIA, Director dated November 13, 2018.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated November 8, 2018.
4. A letter from Brooker Engineering, signed by Kenneth DeGennario, P.E., dated November 13, 2018.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated November 7, 2018.
6. A letter from Hocherman, Tortorella & Wekstein, signed by Noelle Wolfson, dated October 2, 2018, with an attachment of the Amended Declaration of Covenant for the Annual Inspection and Maintenance of Stormwater Control Facilities.

NOELLE WOLFSON  
TOWN OF ORANGETOWN  
PLANNING BOARD

**PB#18-45: Orangetown Commerce  
Center Internal Commercial Subdivision Plan Amendment  
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7. Copies of the following Board Decisions: ACABOR #18-36, Approved as Presented, dated September 6, 2018, PB #18-29, Preliminary Site Plan approval Subject to Conditions, dated July 25, 2018 and PB #18-30, Preliminary Internal Commercial Subdivision Plan Approval Subject to Conditions, dated July 25, 2018.

8. Site Plans prepared by Leonard Jackson Associates and Langan:

<u>Drawing Description</u>	<u>Original Date</u>	<u>Last Revision Date</u>
1: Title Sheet	1/15/16	9/21/18
2: Layout Plan	1/15/16	9/21/18
3: Grading, Drainage & Utility Plan	1/15/16	5/08/18
4: Sediment and Erosion Control Plan	1/15/16	5/08/18
5A: Landscaping Plan	3/04/16	5/08/18
5B: Landscaping/ Lighting Notes and Details, dated February 8, 2016	3/04/16	5/08/18
5C: Landscaping Plan	5/23/16	5/08/18
6: Lighting Plan	3/04/16	5/08/18
7: Construction Details (1 of 4)	1/15/16	4/15/17
8A: Construction Details (2 of 4)	1/15/16	9/27/17
8B: Construction Details (3 of 4)	8/14/17	
9: Construction Details (4 of 4)	1/15/16	8/14/17
10: Storm Profiles	1/15/16	5/08/18
11: Pond Cross Sections and Sanitary Sewer Profiles	1/15/16	9/27/17
12: Site Cap Plan	1/15/16	5/08/18
13: Boring Location Plan	1/15/16	5/08/18
14: Demolition Plan	1/15/16	5/08/18
15: Snow Management Plan	9/16/16	5/08/18
16: Commercial Subdivision	9/16/16	5/08/18

9. Survey of Property prepared by Jay Greenwell, PLS dated December 18, 2014, last revision date of March 27, 2017: Sheets 1 and Sheets 2.

10. Architectural Plans prepared by Dahn & Krieger Architects Planners dated May 3, 2018, last revised September 27, 2018:

- A.01: Proposed Overall Floor Plan and Elevations
- A.02: Proposed Partial Floor Plans
- A.03: Proposed Partial Floor Plan
- A.04: Proposed Elevations
- S.01: Foundation Plan

11. Monument Sign plans prepared by Allied Signage, dated March 1, 2018.

12. Building Permit Referral dated February 26, 2016 provided by Rick Oliver, Building Inspector.

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

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

**REAFFIRMATION OF SEQRA**

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Leonard Jackson Associates and the Town of Orangetown's engineering consultant, Brooker Engineering, and having heard from the following offices, officials and/or Departments of the Town of Orangetown: Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies: Rockland County Sewer District No.1, Rockland County Department of Health, Rockland County Drainage Agency and having reviewed the proposed Site Plans by prepared by Leonard Jackson Associates, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;

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10:30 AM

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

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

**DECISION: In view of the foregoing and the testimony before the Board, the application was granted a Final Internal Commercial Subdivision Plan Amendment 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. Stormwater Management Phase II Regulations:** Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

**3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m. Place this as a note on the Site Plan.**

**4. The applicant shall comply with all applicable and pertinent conditions of all previous Board Decisions: ACABOR #18-36, Approved as Presented, dated September 6, 2018, PB #18-29, Preliminary Site Plan approval Subject to Conditions, dated July 25, 2018 and PB #18-30, Preliminary Internal Commercial Subdivision Plan Approval Subject to Conditions, dated July 25, 2018.**

**5. The applicant is advised that a separate permit application is to be submitted to OBZPA for any additional subdivision of space.**

**6. Full construction plans in compliance with New York State Building Codes, Rules and Regulations are required to be submitted to OBZPAE for review and approval prior to a building permit being issued. No work is to commence until a building permit is issued by OBZPAE.**

**7. Drainage Review Recommendation:** Brooker Engineer, the drainage consultant to the Planning Board offered the following comment: The application has provided sufficient information to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated and recommends that the Orangetown Commerce Center Site Plan be approved for drainage subject to no comments.

**Project Description:** This is the fourth drainage review report for this project, the last drainage review report was dated September 27, 2017, at which time the consultant approved the project for drainage subject to no conditions. The property is located on the west side of Greenbush Road and south of Highview Avenue. The existing parcel has been mostly cleared with some impervious area remaining from the previous use. The land slopes moderately downhill to the east toward Greenbush Road and there is an existing drainage system at Greenbush Road. The storm drainage system in this area includes three 18" pipes, one 24" pipe, and one 60" pipe that cross Greenbush Road and enters the

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**Continuation of Condition #7...**

property to the east. For this submission, the applicant's engineer has verified the off-site drainage system and concluded that all off-site runoff from the west travels through the site via the 60 inch RCP near the southern property line, at Stevens Way. The plan includes three separate stormwater management basins to provide mitigation of increases in stormwater runoff. These basins outlet directly to the existing storm drainage system in Greenbush Road. This submission is mostly the same with respect to drainage as the previous submission the consultant approved for drainage. The overall impervious area has a minor decrease (175,619 square feet approved, 175,305 square feet current application) in impervious area. The stormwater management basins are the same size and the overall drainage patterns are the same.

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

- The comments in the July 2, 2018 letter from the Rockland County Department of Highways must be met.
- A review must be completed by the Rockland County Department of Health (RCDOH) to ensure compliance with Article XIX (Mosquito control) of the Rockland County Sanitary Code. In addition, an application must be made to RCDOH for approval of the sewage disposal system per Article IV, Section 4.2.1 of the Rockland Sanitary Code.
- It is not clear if the existing monitoring wells will be removed. If they are to be removed after the clean-up of the site, then the RCDOH must be notified of the intent to decommission the wells and monitor the process to ensure that is done in compliance with the specifications of Article II of the Rockland County Sanitary Code. All required permits must be obtained from RCDOH.
- The site was formerly a State Brownfield Site, and remediation has been completed under the New York State Department of Environmental Conservation Brownfield Cleanup Program. A Site Management Plan is in place to control the potential for direct contact with subsurface soil and groundwater contamination remaining on site. The Town of Orangetown Planning Board and the New York State Department of Environmental Conservation must continue to manage the site, ensuring that the proposed construction is compliance with the procedures established for redevelopment of the site.

2018 NOV 14 10:00 AM  
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**Continuation of Condition #8...**

- The proposed monument sign must conform to the Town sign standards.
- Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of 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.

**9.** 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

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

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

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

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

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

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NOV 14 2018 12:00 PM

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**15.** If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the 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).

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

**18.** 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

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

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

**Overrides:**

The Board made a motion to override Conditions #5 and #6 of the November 7, 2018 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

**"5.** The lighting plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line. There are still some areas on the plans in which the lighting at the property line exceeds the 0.1 lumens, especially along the western border.

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**Continuation of Overrides...**

The Board held that the submitted site model does not allow for the actual true readings based on the topography. Therefore, the Planning Board is satisfied with the lighting plan.

A motion to override condition #5 was made and moved by and Bruce Bond seconded by Kevin Garvey and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Bruce Bond, aye; Kevin Garvey, aye; Blythe Yost, aye; Robert Dell, aye; Stephen Sweeney, aye and Michael Mandel, absent.

“6. With regard to the internal subdivision, when the actual flex space square footage is determined for the individual internal lots, the associated required parking spaces must also be assessed and identified to go with each unit.”

The Board held that the Planning Board is satisfied with the parking as is based on the prior reviewed and approved submitted plans.

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

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

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

**Dated: November 14, 2018  
Cheryl Coopersmith  
Chief Clerk Boards and Commissions**



TOWN OF ORANGETOWN  
2018 DEC 14 P 1:22  
TOWN CLERK'S OFFICE

**PB #18-46: Diversified Glass & Storefront Plan**                      **Permit #48192**  
**Final Conditional Use Permit Approval Subject to Conditions**  
**Neg. Dec.**

**Town of Orangetown Planning Board Decision**  
**November 14, 2018**  
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**TO:            Patrick Benn, Estrin & Benn, 225 Broadway, Suite 1200,**  
**New York, New York 10007**  
**FROM:        Orangetown Planning Board**

**RE:            Diversified Glass & Storefront Conditional Use Permit:** The application of John Quinn, applicant, for ICCO II, LLC, owner, for Prepreliminary/ Preliminary/ Final Conditional Use Permit Review, at a site to be known as “**Diversified Glass & Storefront Conditional Use Permit**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 8 Olympic Drive, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.15, Block 1, Lot 16 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, November 14, 2018** the Board made the following determinations:

Patrick Benn and John Quinn appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated November 7, 2018.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement (OBZPAE), Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated November 13, 2018.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated November 8, 2018.
4. A letter from the Rockland County Department of Planning, from Douglas Schuetz, Acting Commissioner of Planning, dated November 14, 2018.
5. A letter from the Rockland County Highway Department, signed by Dyan Rajasingham, Engineer II dated October 19, 2018.
6. A letter from the Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated November 13, 2018.
7. A letter from the Town of Orangetown Zoning Board of Appeals signed by Dan Sullivan, Chair, dated October 17, 2018.
8. A Building Permit Referral from dated October 5, 2018.
9. A Short Environmental Assessment Form signed by Patrick Benn, Attorney, dated October 11, 2018.

RECEIVED  
NOV 14 2018  
TOWN OF ORANGETOWN



**PB #18-46: Diversified Glass & Storefront Plan** **Permit #48192**  
**Final Conditional Use Permit Approval Subject to Conditions**  
**Neg. Dec.**

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10. Land Survey prepared by Jay Greenwell, PLS, dated December 26, 1989, last revision dated January 3, 1990, with letter from Jay Greenwell, dated November 14, 2018 and an amendment to the Land Survey dated November 14, 2018.

11. Project Narrative prepared by the Applicant.

12. Copy of Town of Orangetown Town Code, Chapter 43, Article VIII. Conditional Use Standards, 8.1., General conditions and standards.

The Board reviewed the submitted plans. The hearing was then opened to the Public. There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Kevin Garvey and seconded by Stephen Sweeney and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice-Chairman, aye; Kevin Garvey, aye; Michael Mandel, absent; Stephen Sweeney, aye; Bruce Bond, aye; Robert Dell, aye 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 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, absent; Stephen Sweeney, aye; Bruce Bond, aye; Robert Dell, aye 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

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10:00 AM

**PB #18-46: Diversified Glass & Storefront Plan**  
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**Neg. Dec.**

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applicant, the applicant's professional representatives, namely Jay Greenwell, having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Department of Health, Town of Orangetown Zoning Board of Appeals, Rockland County Department of Highways, and having reviewed proposed Site Plans by prepared by Jay Greenwell, PLS a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

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

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**CONDITIONAL USE PERMIT**

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

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

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

**The Board Granted the Conditional Use Permit subject to the following additional conditions:**

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

TOWN OF ORANGETOWN  
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**PB #18-46: Diversified Glass & Storefront Plan**                      **Permit #48192**  
**Final Conditional Use Permit Approval Subject to Conditions**  
**Neg. Dec.**

**Town of Orangetown Planning Board Decision**  
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**2. Stormwater Management Phase II Regulations:** Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

**3.** The submission date of the Site Plan for Change of Use shall be indicated on the plan.

**4.** The applicant must submit a supplementary application permit for approval from DEMA prior to issuance of occupancy permit.

**5.** The applicant is advised that a separate permit application is to be submitted to OBZPAE for any additional subdivision of the space or occupancy by additional tenant and/or business.

**6.** The applicant is advised that full construction plans in compliance with the New York State Building Codes, Rules and Regulations are required to be submitted to OBZPAE for review and approval for any future interior construction work.

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

- The site plan lists the building area to be 44,500 square feet while the bubbles on the site plan specifically list the assembly area to be 16,000 square feet and the office to be 4,200 square feet for a total of 20,000 square feet. It must be clarified what the total square footage of the building is, and the erroneous information corrected.
- The number of parking spaces listed to be provided is 28, while the site plan illustrates a total of 40 parking spaces. All information must be consistent. The incorrect information must be updated to reflect the correct number of parking spaces on the site that are being provided.

**8.** 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
- Town of Orangetown Zoning Board of Appeals
- Rockland County Department of Highways

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

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

TOWN OF ORANGETOWN  
NOV 14 2018  
TOWN CLERK'S OFFICE

**PB #18-46: Diversified Glass & Storefront Plan**                      **Permit #48192**  
**Final Conditional Use Permit Approval Subject to Conditions**  
**Neg. Dec.**

**Town of Orangetown Planning Board Decision**  
**November 14, 2018**  
**Page 6 of 7**

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

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

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

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

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

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

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

TOWN OF ORANGETOWN  
2018 DEC 14 PM 4:23  
TOWN CLERK'S OFFICE

PB #18-46: Diversified Glass & Storefront Plan Permit #48192  
Final Conditional Use Permit Approval Subject to Conditions  
Neg. Dec.

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

The foregoing Resolution was made and moved by Bruce Bond and seconded by William Young and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice-Chairman, aye; Kevin Garvey, aye; Michael Mandel, absent; Stephen Sweeney, aye; Bruce Bond, aye; Robert Dell, aye 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: November 14, 2018  
Cheryl Coopersmith, Chief Clerk Boards and Commissions  
Town of Orangetown Planning Board  
attachment



TOWN OF ORANGETOWN  
2018 DEC 14 P 1:23  
TOWN CLERK'S OFFICE

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

**PB #18-46: Diversified Glass & Storefront Plan                      Permit #48192  
Final Conditional Use Permit Approval Subject to Conditions  
Neg. Dec.**

**Town of Orangetown Planning Board Decision  
November 14, 2018**

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

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

**NAME OF ACTION: Diversified Glass & Storefront Plan Conditional Use  
Permit Review: Final Approval Subject to Conditions/ Neg. Dec.**  
SEQR STATUS:   Type I \_\_\_\_\_ Unlisted XXXXXX  
CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX

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

**LOCATION:** The site is located at 8 Olympic Drive, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.15, Block 1, Lot 16 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:

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

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

TOWN OF ORANGETOWN

**PB#18-04(B): C & E Island Flavor Site/  
Parking Site Plan  
Final Site Plan Approval Subject  
to Conditions/ Reaffirmation of Neg. Dec.**

**Permit #46320**

**Town of Orangetown Planning Board Decision  
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Page 1 of 7**

**TO: Ira Emanuel, 4 Laurel Drive, New City, New York 10956  
FROM: Orangetown Planning Board**

**RE: C & E Island Flavor Site Plan/ Parking Plan:** The application of Town Plaza II, LLC, owner, for a Rehearing of Preliminary/ Final Site Plan/ Parking Plan Review at a site to be known as “**C & E Island Flavor Site Plan/ Parking 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 500 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 6 in the CC zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, November 14, 2018**, the Board made the following determinations:

Amy Miele appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated November 7, 2018.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement (OBZPAE), Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated November 13, 2018.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated November 8, 2018.
4. A letter from Civil Tec, signed by Rachel Barese, P.E., President, dated November 1, 2018.
5. A Site Plan prepared by Civil Tec Engineering and Surveying, dated September 24, 2018, last revision date of November 1, 2018.
6. Copy of PB #18-04, Preliminary Site Plan/ Parking Plan Approval Subject to Conditions, dated October 24, 2018.

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

TOWN OF ORANGETOWN  
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TOWN CLERK'S OFFICE



**PB#18-04(B): C & E Island Flavor Site/ Parking Site Plan Permit #46320  
Final Site Plan Approval Subject  
to Conditions/ Reaffirmation of Neg. Dec.**

**Town of Orangetown Planning Board Decision  
November 14, 2018  
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**Reaffirmation of SEQRA**

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 Bruce Bond and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Kevin Garvey, aye; Michael Mandel, absent; Robert Dell, aye; Stephen Sweeney, aye; Blythe Yost, aye; and Bruce Bond, 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 Harry Baker & Associates and Civil Tec Engineering and Surveying, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District No.1, Rockland County Department of Highways, Rockland County Drainage Agency and New York State Department of Transportation and having reviewed proposed Site Plan by prepared by Civil Tec Engineering and Surveying a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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TOWN OF ORANGETOWN

**PB#18-04(B): C & E Island Flavor Site/ Parking Site Plan Permit #46320  
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**Town of Orangetown Planning Board Decision  
November 14, 2018  
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- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources

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

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**PB#18-04(B): C & E Island Flavor Site/ Parking Site Plan Permit #46320  
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**Town of Orangetown Planning Board Decision  
November 14, 2018  
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**Continuation of Condition #1...**

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 plan shall show the location of the restaurant (i.e. which building and where in that building is the restaurant located?).

**4.** The applicant is advised that the Town of Orangetown has a F.O.G. (Fat, Oil and Grease) program, which must be complied with. The applicant shall contact the Town's F.O.G. Coordinator to determine this application's compliance with the F.O.G. program.

**5.** The metes and bounds, as well as the ownership for the existing sanitary sewer easement shall be given on the plans.

**6.** The size of the sanitary building connections for both buildings shall be given on the plan.

**7.** The graphical scale at the lower left of the drawing indicates 1" = 20', however the scale listed in the title block lists 1" = 30'. This shall be corrected.

**8.** 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. However, the current proposal is for a subdivision/ variance without any land disturbance or will result minimal/ no impact to the flow of stormwater in the regulated areas. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act is not requested for the current proposal. However, please be advised that, any future improvements at this site will require a permit or a determination otherwise from the RCDA.

**11.** 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.

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**PB#18-04(B): C & E Island Flavor Site/ Parking Site Plan Permit #46320  
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**Town of Orangetown Planning Board Decision  
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**12. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.**

**13. 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.

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

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**PB#18-04(B): C & E Island Flavor Site/ Parking Site Plan Permit #46320  
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**Town of Orangetown Planning Board Decision  
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**15.** 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.

**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 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).

**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.

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**PB#18-04(B): C & E Island Flavor Site/ Parking Site Plan Permit #46320  
Final Site Plan Approval Subject  
to Conditions/ Reaffirmation of Neg. Dec.**

**Town of Orangetown Planning Board Decision  
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21. 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.

**Parking:**

In accordance with Orangetown Town Code; § 6.38: Orangetown Town Code: Combined uses, the Planning Board approves the proposed parking layout and calculations as shown on the submitted Site Plan.

- § 6.38: Orangetown Town Code: Combined uses. When any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of that use. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, either the Planning Board as part of site plan approval or the Board of Appeals may reduce the total parking spaces required by 50% of the parking spaces required for the use with the least requirement. [Amended 8-15-1988 by L.L. No. 5-1988]

A motion was made to accept the proposed parking layout and calculations as shown on the submitted Site Plan and if there is a use that increases the parking requirements of the site, the applicant shall reappear at the Planning Board for review and approval. The motion was made by Kevin Garvey and seconded by Bruce Bond and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Kevin Garvey, aye; Michael Mandel, absent; Robert Dell, aye; Stephen Sweeney, aye; Blythe Yost, aye, and Bruce Bond, aye.

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

The foregoing Resolution was made and moved by Kevin Garvey and seconded by Bruce Bond and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Kevin Garvey, aye; Michael Mandel, absent; Robert Dell, aye; Stephen Sweeney, aye; Blythe Yost, aye, and Bruce Bond, 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: November 14, 2018  
Cheryl Coopersmith  
Chief Clerk Boards and Commissions**

*Cheryl Coopersmith*

TOWN CLERK'S OFFICE  
NOV 14 2018  
TOWN OF ORANGETOWN



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

**PB#18-04(B): C & E Island Flavor Site/  
Parking Site Plan  
Final Site Plan Approval Subject  
to Conditions/ Reaffirmation of Neg. Dec.**

**Permit #46320**

**Town of Orangetown Planning Board Decision  
November 14, 2018**

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

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

**NAME OF ACTION: C & E Island Flavor Site/Parking Site Plan  
Final Site Plan Approval Subject to Conditions/ Reaffirmation of Neg. Dec.**

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

**DESCRIPTION OF ACTION: Parking Site Plan and Final Site Plan Review**

**LOCATION:** The site is located at 500 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 6 in the CC zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

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

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