

**Meeting of October 24, 2018  
Town of Orangetown Planning Board**

**Members Present:** Thomas Warren, Chairman; William Young, Vice-Chairman; Stephen Sweeney; Blythe Yost; Robert Dell and Bruce Bond, alternate

**MEMBER ABSENT:** Kevin Garvey and 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. Warren read the agenda. Hearings as listed on this meeting's agenda which are made a part of these minutes were held as noted below:

**Continued Item from July 25, 2018 Meeting:**

|  |                              |
|--|------------------------------|
| <b>30 Rockland Park Avenue Site Plan</b>     | <b>PB #18-26</b>             |
| Pulmuone Food USA                            | <b>Preliminary Site Plan</b> |
| Concrete Pads on Existing Impervious Site    | <b>Approval Subject</b>      |
| Prepreliminary/ Preliminary/ Final Site Plan | <b>to Conditions</b>         |
| and SEQRA Review                             | <b>Neg. Dec.</b>             |
| 30 Rockland Park Road, Tappan                |                              |
| 77.16/1/33; LIO zoning district              |                              |

**New Items:**

|   |                  |
|---|------------------|
| <b>The Learning Experience Site Plan</b>    | <b>PB #18-40</b> |
| Final Site Plan Amendment for the           | <b>Postponed</b> |
| Shops at Orangeburg Commons Filed Site Plan |                  |
| Orangeburg Commons, Orangeburg              |                  |
| 74.15/1/21 & 22; LI zoning district         |                  |

|  |                              |
|--|------------------------------|
| <b>Dionnes Way Site Plan</b>               | <b>PB #18-41</b>             |
| Prepreliminary/Preliminary Site Plan       | <b>Preliminary</b>           |
| and SEQRA Review <b>Site Plan Approval</b> | <b>Subject to Conditions</b> |
| 12-16 North Main Street, Pearl River       | <b>Neg. Dec.</b>             |
| 68.16/6/67; PAC zoning district            |                              |

**Item Postponed from January 10, 2018 Meeting:**

|  |                              |
|--|------------------------------|
| <b>C &amp; E Island Flavor Site Plan/ Parking Plan</b> | <b>PB #18-04</b>             |
| Prepreliminary/ Preliminary/ Final Site Plan/          | <b>Preliminary</b>           |
| Parking Plan and SEQRA Review                          | <b>Site Plan Approval</b>    |
| 500 Route 303, Orangeburg                              | <b>Subject to Conditions</b> |
| 74.07/1/6; CC zoning district                          | <b>Neg. Dec.</b>             |

**Other Business:**

**1. Referral from the Village of Piermont:** Conversion of old gym space into residential units. The Board had no comment.

BOARD SECRETARY  
TOWN OF ORANGETOWN  
1000 STATE STREET  
ORANGETOWN, FL 32967  
TEL: 352.369.1234  
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Town of Orangetown Planning Board

Other Business

**2. Request for comments from New York State Historic Preservation Office:**  
Cellular Antenna Facility, 140 Old Orangeburg Road. Six panel antennas on the existing 184 foot smokestack. Antennas will be installed at centerline heights of 160 feet and tip heights up to 162 feet. The overall height of the building will remain at 187 feet. The Board reviewed the submitted information and offered the following comment: Any parts of the panel antennas and associated equipment should blend into the existing structure.

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 Blythe Yost and agreed to by all in attendance. The meeting was adjourned at 8:35 p.m. The next Planning Board meeting is scheduled for November 14, 2018.

DATED: October 24, 2018

Cheryl Coopersmith  
Chief Clerk Boards and Commissions



TOWN CLERK'S OFFICE  
2018 NOV 19 P 12:30  
TOWN OF ORANGETOWN

**PB#18-26: 30 Rockland Park Road Site Plan  
Pulmuone Food USA  
Concrete Pads on Existing Impervious Site Plan  
Preliminary Approval Subject to Conditions/ Neg. Dec.**

**Permit #47553**

**Town of Orangetown Planning Board Decision  
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**TO: Christina Lee, Pulmuone, 30 Rockland Park Road, Tappan,  
New York 10983**  
**FROM: Orangetown Planning Board**

**RE: 30 Rockland Park Road Site Plan:** The application of Pulmuone Food USA, applicant, for SPM Management, Inc., owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site known as “**30 Rockland Park Road Site Plan**”, for the construction of 2 concrete pads, 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 30 Rockland Park Road, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.16, Block 1, Lot 33 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, July 25 and October 24, 2018** at which time the Board made the following determinations:

**July 25, 2018**

Brian Lee, Brian Kee, Christina Lee, CS Hwang, Hojoon Chung and Jason Liu appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 18, 2018.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, AIA, Director dated July 20, 2018.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated July 19, 2018, with attachments.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated July 6, 2018.
5. Letters from the Rockland County Highway Department signed by Dyan Rajasingham, Engineer III dated June 19, 2018 and from Joseph Arena, dated June 25, 2018.
6. A letter from the Rockland County Health Department, signed by Elizabeth Mello, P.E. dated June 21, 2018.
7. A letter from the New York State Department of Environmental Conservation, signed by Katherine Coffin, Division of Environmental Permits, Region 3 dated July 11, 2018.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, Acting Chair dated June 20, 2018.

THIS DOCUMENT IS UNCLASSIFIED  
DATE 08/21/2009 BY 60322 UCBAW

**PB#18-26: 30 Rockland Park Road site Plan  
Pulmuone Food USA  
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Preliminary Approval Subject to Conditions/ Neg. Dec.**

**Permit #47553**

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9. An email from Michael Bettmann, Chief Fire Inspector, Bureau of Fire Prevention, Town of Orangetown, dated June 18, 2018.
10. A Short Environmental Assessment Form, signed by Christina Lee dated June 7, 2018.
11. A Project Narrative prepared by Christian Lee, Pulmuone Food USA, dated June 7, 2018.
12. Survey of Property prepared by Stephen Hoppe, LS dated May 21, 2018, last revised June 1, 2018.

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

The applicant requested a **CONTINUATION**.

**October 24, 2018**

Christina Lee and Hojoon Chung appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated October 17, 2018.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, AIA, Director dated October 19, 2018.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated October 19, 2018, with attachments.
4. Architectural Plans prepared by Hojoon Chung, R.A., dated September 21, 2018:

G001: Project information and Existing Site Plan

A001: Proposed Site Plan

A101: Proposed Plan, Sections and Details

A201: Proposed Elevations

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

There being no one from the Public, a motion was made to close the Public Hearing portion of the meeting by William Young 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; Kevin Garvey, absent and Bruce Bond, aye.

TOWN OF ORANGETOWN  
PLANNING BOARD  
OCTOBER 24, 2018

**PB#18-26: 30 Rockland Park Road site Plan                      Permit #47553**  
**Pulmuone Food USA**  
**Concrete Pads on Existing Impervious Site Plan**  
**Preliminary Approval Subject to Conditions/ Neg. Dec.**

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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 Stephen Sweeney and seconded by Bruce Bond 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, absent, the Board declared itself Lead Agency.

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Hojoon Chung, R.A., and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies; Rockland County Department of Highway, Rockland County Department of Health, Rockland County Sewer District #1, Town of Orangetown Zoning Board of Appeals and New York State Department of Environmental Conservation, 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;

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**PB#18-26: 30 Rockland Park Road site Plan      Permit #47553**  
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- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources

On motion by Bruce Bond and seconded by 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, nay, and, Kevin Garvey, absent, the Board made a Negative Declaration pursuant to SEQRA.

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

1. The following note shall be placed on the Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.

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3. The application shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
4. The Project Review Committee advised that there has been discharge from the refuse containers due to rain water entering the containers and mixing with the contents and that violation notices were issued by the New York State Department of Environmental Conservation. The applicant shall consider alternate ways to ensure containment of contents.
5. A note shall be added to all of the plans stating that ALL trash containers, roll off boxes, dumpsters, and any other containers or containment devices used to hold or store tofu and tofu production byproducts, etc., shall be located within the enclosed trash containment storage area.
6. Due to MS4 violations, illicit discharges of tofu production byproducts into the onsite drainage system and then into the Sparkill Creek, and NYSDEC violations, discharge without a SPDES permit, at this site and this specific area of the site, the following items are required to be added to the plans:
  - a. A piped collection system inside of the proposed trash containment storage area shall be designed by a NYS licensed professional engineer to collect any leakage, spillage from any and all trash containers, roll off boxes, dumpsters, and any other containers or containment devices used to hold or store tofu and tofu production byproducts, etc. The piped system shall be designed to connect to the existing onsite sanitary sewer system. The design engineer shall provide signed and sealed calculations identifying how the collection piping is sized.
7. The applicant shall contact the Town of Orangetown Industrial Pretreatment Coordinator to go over the piped collection system design and any enhancements or changes that may be required to the sites/ owners/ tenants existing industrial pretreatment permit and or sampling location, due to the above listed requirements.
8. Plans, profiles and details for the required piped collection system shall be added to the plans. The required collection piping system shall connect to the site's existing sanitary sewer system by use of a new manhole. Details for same shall be added to the plans.
9. The previously submitted plan showed more information (manholes, catch basins, etc.) than the current plan. All sanitary manholes, stormwater manholes, catch basins, subsurface piping and all other related appurtenances shall be shown on the plan for the entire site.
10. The top and invert elevations for all sanitary and drainage shall be added to the plans, along with pipe sizes, materials, lengths and slopes for all subsurface sanitary and stormwater systems.

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**PB#18-26: 30 Rockland Park Road site Plan                      Permit #47553**  
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11. The previously submitted plan depicted a 16.5 foot wide gas easement. The current plan does not, which is correct? If there is a gas easement across the property, the drawings shall indicate if this is an abandoned easement and if so, provide documentation on when and how and by whom the easement was abandoned. If the easement is "live", the metes and bounds, liber and page of instrument number, as well as the ownership of the easement shall be listed on the drawings.

12. Soil erosion and sediment control plans and details shall be submitted to DEME for review and approval.

13. The existing sanitary building connection location and the sanitary main that it ties into shall be shown on the plan.

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

- A review must be completed by the Rockland County Drainage Agency and all required permits obtained.
- The engineer of record shall certify to the floodplain administrator of the Town of Orangetown that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.

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

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

16. 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.

17. Based upon the circulated documents, the New York State Department of Environmental Conservation (NYSDEC) offered the following information:

- **Protection of Waters:** There are no waterbodies that appear on its regulatory maps at the location identified. Therefore, if there is a stream or pond outlet present at the site with year-round flow, it assumes the classification of the water course into which it feeds, Sparkill Creek, Class C and a Protection of Waters permit is not required. If there is a stream or pond outlet present at the site that runs intermittently (seasonally), it is not protected, and a Protection of Waters permit is not required. If a permit is not required, please note, however 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.



**PB#18-26: 30 Rockland Park Road site Plan      Permit #47553**  
**Pulmuone Food USA**  
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**Continuation of Condition #17...**

- **Freshwater Wetlands:** The project is not within a New York State protected Freshwater Wetland.
- **State – Listed Species:** 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.
- **Water Quality Certification:** Be aware that the Army Corp of Engineers (ACOE) may require a permit for work completed in or impacting a federal wetland. If a permit from the ACOE is required, a Section 401 Water Quality Certification may be required from NYSDEC. Contact ACOE for a determination.
- **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).
- **FEMA Floodplains/ Floodways:** The project site indicated is located within a Federal Emergency Management Agency (FEMA) Floodplain/ Floodway. The project sponsor shall contact the local municipality to determine if any additional jurisdictions are applicable to the proposal.
- 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.

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

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**PB#18-26: 30 Rockland Park Road site Plan      Permit #47553**  
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19. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans and Board Decisions prior to signing the final plans.
20. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
21. 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.
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, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the Site plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).

DOUGLAS S. BERTON, III

DEPUTY TOWN ENGINEER

TOWN OF ORANGETOWN

PB#18-26: 30 Rockland Park Road site Plan Permit #47553  
Pulmuone Food USA  
Concrete Pads on Existing Impervious Site Plan  
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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, and signs and refuse control.

The foregoing Resolution was made and moved by Bruce Bond seconded by Blythe Yost and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Bruce Bond, aye; Kevin Garvey, absent, Blythe Yost, aye, Robert Dell, nay; 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: October 24, 2018  
Cheryl Coopersmith, Chief Clerk Boards and Commissions  
Town of Orangetown Planning Board

TOWN OF ORANGETOWN  
2018 NOV 19 P 12:31  
TOWN CLERK'S OFFICE



**PB #18-41: Dionnes Way Site Plan  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #48020**

**Town of Orangetown Planning Board Decision  
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**TO: Jay Greenwell, PLS, 85 Lafayette Avenue, Suffern, New York  
10901**  
**FROM: Orangetown Planning Board**

**RE: Dionnes Way Site Plan:** The application of Dionnes Way LLC, owner, for Prepreliminary/ Preliminary Site Plan Review at a site to be known as "Dionnes Way 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 12-16 North Main Street, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.16, Block 6, Lot 67 in the PAC zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 24, 2018**, the Board made the following determinations:

Jay Greenwell, Brian Quinn and Tom Acton appeared and testified.  
The Board received the following communications:

1. Project Review Committee Report dated October 17, 2018.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, AIA, Director, dated October 22, 2018.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 19, 2018.
4. Letters from Rockland County Department of Highway, signed by Dyan Rajasingham, Engineer II dated, October 2, 2018 and Joseph Arena, dated October 5, 2018.
5. Letters from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated October 19, 2018.
6. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated October 5, 2018.
7. An Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated October 17, 2018.

TOWN CLERK'S OFFICE  
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8. A letter from the Town of Orangetown Zoning Board of Appeals signed by Patricia Castelli, Acting Chair, dated October 3, 2018.
9. A Short Environmental Assessment Form signed by Jay Greenwell, PLS, dated August 13, 2018.
10. A Project Narrative prepared by Jay Greenwell, dated August 15, 2018.
11. A copy of the Building Permit Referral provided by Building Inspector Rick Oliver, dated August 21, 2018.
12. Site Plan entitled Jay Greenwell, PLS, dated November 20, 2017, last revised August 13, 2018
13. Plans prepared by Blythe Yost, Landscape Architect dated October 15, 2018:
  - L-601; Sheet 1 of 2: Lighting Plan
  - L-701; Sheet 2 of 2: Planting Plan

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

**Public Comment:**

Eddy O 'Day, Orangetown resident, supports the proposed project noting that more people will move into downtown Pearl River.

Bonnie Wolfe, Nanuet resident, believed that the project was a good idea and she wants to move back to Pearl River.

Kath Calvary, 131 Bogart Avenue, Pearl River, noted that there are a lot of older people living in Pearl River and they would like to remain in town. The project is a good idea.

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

TOWN CLERK'S OFFICE  
2018 NOV 16 PM 3:11  
TOWN OF ORANGETOWN

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

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

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**Town of Orangetown Planning Board Decision  
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- 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 William Young and seconded by Bruce Bond and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Kevin Garvey, absent; Michael Mandel, absent; Robert Dell, aye; Stephen Sweeney, aye and 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 **Preliminary Site Plan Approval Subject to the Following Conditions:**

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. 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.

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4. The applicant must make a submission to the Town of Orangetown Zoning Board of Appeals for the following zoning variances:

| <u>Variance</u>                 | <u>Required</u> | <u>Proposed</u> | <u>Allowed</u> |
|---------------------------------|-----------------|-----------------|----------------|
| <b>Parking</b>                  | 44              | 14              |                |
| <b>Maximum Floor Area Ratio</b> |                 | 1.15            | 0.40           |
| <b>Minimum Lot Area</b>         | 1 acre          | .54 acre        |                |

5. The application shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
6. The total area of disturbance shall be listed on the Site Plan.
7. Sanitary calculations for the proposed site, prepared by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval.
8. The size of the existing sanitary building connection shall be given on the Site Plan. **IF** the sanitary building connection is less than 6 inches in diameter, the existing connection shall be replaced with a 6 inch connection along with a new cleanout. Details (including a profile) for same shall be given on the drawing(s).
9. The invert elevation for the existing sanitary building connection shall be given on the drawing.
10. Any cleanouts along the existing sanitary building connection shall be shown on the drawing. If no cleanouts exist, a new cleanout shall be installed on the connection, near the building.
11. Wheel/ curb stops shall be depicted and labeled for the 6 parking stalls in the center -aisle parking area for the lot along North Main Street.
12. Soil erosion and sediment control plans and details shall be submitted to DEME for review and approval.
13. The Rockland County Highway Department reviewed the plan and offered the following comments:
- The Rockland County Highway Department commented that parking is inadequate, difficult to find, inconvenient or expensive would frustrate uses and can contribute to spillover. As a result, inadequate parking supply could create problems to both users and nonusers. Since the narrative summary describes that ample parking is available on street and in the adjacent Town owned parking lot, the developer shall consider developing a better parking scheme for the facility in coordination with the Town that may include shared parking, discounts for resident parking permits, parking pricing and regulations, walkability improvements, etc.

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**14.** The Rockland County Department of Health (RCDOH) reviewed the plan and found that should the Board require a stormwater management system, application is to be made to the RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.

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

**16.** The Town of Orangetown Fire Prevention Bureau (Bureau) had the following comments:

1. Parking configuration on the west side of the building may impede fire department aerial access.
2. What type of construction will the new building be? What side of the building will main entrance be?
3. Install an NFPA 13 compliant sprinkler system. Provide standpipes in locations to be determined once a construction plan is provided.
4. Install and maintain an NFPA 72 compliant Fire Alarm System as per Orangetown Fire Code.
5. Will there be a generator? Install Emergency lighting and Exit signs as per New York State Fire Code.
6. Key Boxes for FD access must be installed, locations and number of boxes to be determined.
7. Items 3, 4, and 5 above must be shown on the construction drawing and approved by the Bureau prior to installation.
8. Provide elevator door key and service keys for FD use.
9. File application with fee for a Certificate of Compliance Fire Safety.

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

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

**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.

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
  - One (1) foot radius from trunk per inch DBH.
  - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
    - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
    - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

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

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

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

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

25. If the applicant, during the course of construction 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).

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

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

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

The foregoing Resolution was made and moved by Bruce Bond and seconded by Stephen Sweeney and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Kevin Garvey, absent; 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: October 24, 2018

Cheryl Coopersmith, Chief Clerk Boards and Commissions

attachment

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TOWN OF ORANGETOWN

**PB #18-41: Dionnes Way Site Plan  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.  
October 24, 2018**

**Permit #48020**

**State Environmental Quality Review Regulations  
NEGATIVE DECLARATION**

**Notice of Determination of Non-Significance**

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: Dionnes Way Site Plan - Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

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

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

**DESCRIPTION OF ACTION: Site Plan Review**

**LOCATION:** The site is located at 12-16 North Main Street, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.16, Block 6, Lot 67 in the PAC zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

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

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TOWN OF ORANGETOWN

**PB#18-04: C & E Island Flavor Site/ Parking Site Plan      Permit #46320**  
**Preliminary Site Plan Approval Subject**  
**to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision**  
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**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 Prepreliminary/ Preliminary/ Final Site Plan/ Parking Plan Review at a site known 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, October 24, 2018**, the Board made the following determinations:

Amy Miele appeared and testified.

The Board received the following communications:

1. Project Review Reports dated January 3, September 5, and October 17, 2018.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director dated September 7 & November 9, 2017, and October 22, 2018.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated September 5, 2018.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner dated January 8, 2018.
5. Letters from the Rockland County Highway Department, signed by Joseph Arena dated December 12, 2017.
6. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer dated December 13, 2017.
7. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director dated December 28, 2017.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated December 15, 2017.
9. Letters from the New York State Department of Transportation, signed by Akhtav Shavet dated January 16, 2018 and Joseph Taylor, MRP, Permit Engineer, dated June 5, 2018.
10. A Short Environmental Assessment Form signed by Ira Emanuel, dated November 28, 2017.

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**PB#18-04: C & E Island Flavor Site/ Parking Site Plan      Permit #46320**  
**Preliminary Site Plan Approval Subject**  
**to Conditions/ Neg. Dec.**

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11. A Project Narrative prepared by Freeman & Loftus, RLLP, signed by Ira Emanuel, Esq., dated October 17, 2017.
12. A letter from Freeman & Loftus Attorneys, dated July 19, 2018, signed by Ira M. Emanuel.
13. A letter from Ira Emanuel, P.C., dated July 19, 2018, with an attachment entitled Town Plaza II Tenant Plan July, 2018.
14. A Town of Orangetown Town Board Resolution #346, dated June 15, 2018.
15. A letter from Ira Emanuel, P.C., dated November 20, 2017, with an attachment of an Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated November 9, 2017.
16. A Parking Study for Town Plaza II, 500 Route 303, Orangeburg, NY, prepared by Harry Baker & Associates, dated October 8, 2017, signed by Harry Baker.
17. Copy of a Site Plan prepared by Civil Tec Engineering and Surveying, dated September 24, 2018.
18. Revised Building Permit Referral dated November 29, 2017, signed by Glenn Maier, Building Inspector.

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

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

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**PB#18-04: C & E Island Flavor Site/ Parking Site Plan      Permit #46320**  
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**Town of Orangetown Planning Board Decision**  
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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely 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:

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. 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. Individual tenant spaces with names and square footage needs to be shown on the survey.
4. Parking calculations need to be shown on the survey to demonstrate compliance with the Town of Orangetown Zoning Code.
5. 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.
6. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
  1. One of the reasons for the review of this site is its impact on New York State Route 303. Insufficient parking for a site fronting on a State highway can cause negative impacts to the safe and efficient flow of traffic. However, given the design of the ingress/egress points, it appears that any overflow parking would be limited to Mountainview Avenue. In addition, aerial photography ranging from 2000 to 2016 shows that historically the parking lot is not filled to capacity. In order to ensure that the site can adequately provide sufficient parking for a shopping center at 100% capacity, with the 13+% reduction, the Town and/or owner of the property must monitor the site.

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**Continuation of Condition #6**

2. A review shall be completed by the New York State Department of Transportation and all required permits obtained.
3. A review shall be completed by the County of Rockland Department of Highways and any required permits obtained.
4. As indicated in the December 13, 2017 letter from the Rockland County Department of Health (RCDOH), the proposed restaurant will need to obtain a Food Service Permit from the RCDOH.
5. The narrative from Freeman & Loftus, RLLP and the parking study by Harry Baker both indicate that 104 parking spaces are being proposed/provided for the relief of Section 6.38. However, the site plan submitted with the application, dated August 10, 1998 (revised with added proposed sign) only shows 103 parking spaces. This discrepancy must be addressed, particularly since it directly relates to the relief request.
7. The Rockland County Department of Health (RCDOH) reviewed the plans and offered the following comment:
  - The proposed restaurant will need to obtain a Food Service Permit from the RCDOH.
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.
9. 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.
10. 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 Highway
  - Rockland County Drainage Agency
  - Rockland County Department of Health
  - Rockland County Sewer District #1
  - New York State Department of Transportation

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**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.

**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.

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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.

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

TOWN CLERK'S OFFICE

2610 NOV 19 12:32

TOWN OF ORANGETOWN

PB#18-04: C & E Island Flavor Site/ Parking Site Plan Permit #46320  
Preliminary Site Plan Approval Subject  
to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision  
October 24, 2018  
Page 8 of 8

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

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.

The foregoing Resolution was made and moved by Bruce Bond and seconded by Stephen Sweeney and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Kevin Garvey, absent; Michael Mandel, absent; Robert Dell, aye; Stephen Sweeney, aye and 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: October 24, 2018  
Cheryl Coopersmith  
Chief Clerk Boards and Commissions  
attachment



TOWN OF ORANGETOWN  
2018 NOV 19 P 12:32  
TOWN CLERK'S OFFICE

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

**PB#18-04: C & E Island Flavor Site/ Parking Site Plan      Permit #46320  
Preliminary Site Plan Approval Subject  
to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
October 24, 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 - Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.**

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

**DESCRIPTION OF ACTION: Site Plan / Parking 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/LI zoning districts.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

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

JOHN CLERMONT  
TOWN CLERK'S OFFICE  
OCT 24 2018  
TOWN OF ORANGETOWN