

**Town of Orangetown  
Planning Board**

**Meeting of Monday, October 7, 2019**

**Members Present:** Thomas Warren, Chairman  
William Young, Vice-Chairman  
Stephen Sweeney  
Michael McCrory  
Michael Mandel

**Members Absent:** Bruce Bond and Robert Dell

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

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

<b>Karaya Site Plan - Critical Environmental Area</b>	<b>PB#19-24</b>
Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review 1071 Route 9W, Nyack 71.09/1/10; R-22 zoning district	<b>Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.</b>

**New Items:**

<b>Rubano Resubdivision Plan Critical Environmental Area</b>	<b>PB #19-61</b>
Prepreliminary/Preliminary/ Final Resubdivision Plan and SEQRA Review 1129 & 1131 Route 9W, Upper Grandview 71.05/2/24 & 29; RG zoning district	<b>Final Resubdivision Plan Approval Subdivision to Conditions/ Neg. Dec.</b>

<b>Anda Site Plan</b>	<b>PB #19-62</b>
Final Site Plan Review 153 East Central Avenue, Pearl River 68.16/6/39; CS zoning district	<b>Final Site Plan Approval Subject to Conditions</b>

<b>Nice Pak Site Plan</b>	<b>PB #19-63</b>
Final Site Plan Review 2 Nice Pak Park, Orangeburg 74.07/1/16; LIO zoning district	<b>Final Site Plan Approval Subject to Conditions</b>

<b>27 Greenbush Road Site Plan</b>	<b>PB#19-64</b>
Prepreliminary/Preliminary Site Plan and SEQRA Review 27 South Greenbush Road, Orangeburg 74.11/1/12; LI zoning district	<b>Continued: Needs Drainage</b>

TOWN OF ORANGETOWN  
2019 OCT 25 A 9 11  
TOWN CLERK'S OFFICE

**Town of Orangetown  
Planning Board**

**Meeting of Monday, October 7, 2019**

**Bless Enterprises Auto Shop Site Plan**

**PB #19-65**

Route 303 Overlay Zone  
Final Site Plan Review  
187 Route 303, Orangeburg  
74.15/1/8; LI zoning district

**Continued: Revise  
Parking Layout, Curbs  
& details**

**South Orangetown Ambulance Corp  
Resubdivision Plan**

**PB#19-66**

Prepreliminary/ Preliminary/  
Final Resubdivision Plan and SEQRA Review  
70 Independence Avenue, Tappan  
74.18/3/39 & 40; R-15 zoning district

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

**South Orangetown Ambulance Corp Site Plan**

**PB#19-67**

Prepreliminary/ Preliminary Site Plan  
and SEQRA Review  
70 Independence Avenue, Tappan  
74.18/3/39 & 40; R-15 zoning district

**Continued: Applicant  
advised to apply  
to the ZBA for Variances  
then reappear at PB**

**Camp Shanks Homes for Hero's Site Plan**

**PB#19-68**

Prepreliminary/ Preliminary Site Plan  
Conditional Use Permit and SEQRA Review  
335 Western Highway, Tappan  
74.18/3/48; R-15 zoning district

**Preliminary Site Plan  
Subject to Conditions  
Neg. Dec.**

The decisions of the September 25, 2019 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel and seconded by Michael McCrory and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Robert Dell, absent; Michael McCrory, aye; Stephen Sweeney, aye, and Bruce Bond, absent.

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 Michael Mandel and agreed to by all in attendance. The meeting was adjourned at 10:05 p.m. The next Planning Board meeting is scheduled for October 23, 2019.

**DATED: October 7, 2019**

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



TOWN CLERK'S OFFICE  
2019 OCT 25 A 9:11  
TOWN OF ORANGETOWN

**PB #19-24: Karayal Site Plan  
Critical Environmental Area  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #48567**

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 1 of 9**

**TO: Necip Onur Karayal, 1071 Route 9W, Nyack, New York 10960  
FROM: Orangetown Planning Board**

**RE:** Karayal Site Plan – Critical Environmental Area: The application of Necip Onur Karayal, owner, for a Prepreliminary/ Preliminary/ Final Site Plan Review of the removal/rebuilding of existing shed and house addition over existing deck at a site known as “Karayal Site Plan – Critical Environmental Area 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 1071 Route 9W, Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 10; in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **May 8 and October 7, 2019** at which time the Board made the following determinations:

**May 8, 2019**

Necip Onur Karayal and Aydan Kalkan appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated May 1, 2019.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated May 3, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 2, 2019.
4. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated April 24, 2019.
5. Letters from Rockland County Department of Health, signed by Elizabeth Mello, P.E., dated May 7, 2019.
6. Letters from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated April 1, 2019 and Joseph Arena, dated April 3, 2019.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated April 12, 2019.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated April 17, 2019.

TOWN CLERK'S OFFICE  
2019 OCT 25 A 9:11  
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 2 of 9**

9. Plans prepared by SAGEarch Design Consultant, signed and sealed by Satyen Rawal, R.A., dated January 25, 2019:
- T-100: List of Drawings, Scope of Work & Building Data, Key Plan and Zoning Analysis, Site Plans
  - A-100: Proposed Floor Plan & Existing and Proposed Elevations
10. Land Survey prepared by Robert Sorace, PLS dated December 21, 2017.  
11. A Short Environmental Assessment Form signed by Necip Onur Karayal.  
12. Building Permit Referral to the Planning Board dated February 14, 2019 prepared by Rick Oliver, Building Inspector.  
13. A Project Narrative dated March 23, 2019 prepared by SAGEarch, signed by Satyen Rawal, RA.

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

**Public Comment:**

Nicholas Buckworth, 1059 Route 9W, Upper Grandview, raised concerns that the shed destroys his view to the north, acknowledging that he doesn't have any legal right to a view. He questioned item #6 of the EAF noting that the use was not consistent with the other uses in the area.

Mr. Buckworth requested that the shed be removed and the site be restored to the condition in which it was, a year ago.

Cheryl Schmidt, 1072 Route 9W, Upper Grandview, expressed concerns regarding the construction of the shed and watched its construction over the past year, wondering why there hasn't been any notification from the Town. Ms Schmidt held that the neighborhood is an area of historic homes and that a shed is out of place, in addition, the shed is obstructing her river view.

The applicant requested a **CONTINUATION**.

**October 7, 2019**

Necip Onur Karayal and Aydan Kalkan appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated October 2, 2019.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated October 4, 2019.
3. A letter from the New York State Department of Transportation, signed by Barbara Knisell, Assistant Engineer, dated May 16, 2019.

TOWN CLERK'S OFFICE  
OCT 25 9 12 AM '19  
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 3 of 9**

4. Plans prepared by SAGEarch Design Consultant, signed and sealed by Satyen Rawal, R.A., dated January 25, 2019:
- T-100: List of Drawings, Scope of Work & Building Data, Key Plan and Zoning Analysis, Site Plans, revised June 5, 2019
  - A-100: Proposed Floor Plan & Existing and Proposed Elevations, revised June 5, 2019
  - A-200: Building Section & Window Elevations
5. A letter from Arabella and Nicholas Buckworth, 1059 Route 9W, West Nyack, New York, received October 2, 2019, with attachments.

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

**Public Comment:**

Nicholas Buckworth, 1059 Route 9W, Upper Grandview, submitted additional photographs to the Board. He questioned the safety of the shed's foundation and the fact that it has windows. Mr. Buckworth held that the new plans do not seem any different than the prior plans and believed that this structure may be used for more than a storage room. He held that the amount of damage to undo the construction would be di minimus for Mr. Kayayal.

Cheryl Schmidt, 1072 Route 9W, Upper Grandview, expressed concerns that only one person has come to view the project site. She held that if the Board saw how the shed was situated on the site, they would understand the situation. Ms Schmidt also held that this type of construction was an extremely un-neighborly thing to do on the site.

Arabella Buckworth, 1059 Route 9W, Upper Grandview, expressed concerns that the proposed construction is out of character with the neighborhood.

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

TOWN CLERK'S OFFICE  
2019 OCT 25 A 9:12  
TOWN OF ORANGETOWN

**PB #19-24: Karayal Site Plan  
Critical Environmental Area  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #48567**

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 4 of 9**

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's consultant SAGEarch and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Highway, Rockland County Department of Health, Rockland County Sewer District #1, and having reviewed the drawings presented by the applicant's professional consultant; SAGEarch, 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;

TOWN CLERK'S OFFICE

2019 OCT 25 A 9 12

TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 5 of 9**

- 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 William Young and second by Michael McCrory and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Bruce Bond, absent; Robert Dell, absent; Stephen Sweeney, aye, and Mike McCrory, 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. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

TOWN CLERK'S OFFICE  
2019 OCT 25 A 9:12  
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 6 of 9**

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 is for the legalization of an addition of a second floor to an existing shed that was constructed without a building permit.
5. The total area of disturbance shall be added to the plan. If the total amount of new impervious is greater than 400 sq. ft., stormwater quality controls, designed by a NYS Licensed Professional Engineer, shall be designed, up to the 100 yr. Storm for the site plan.
6. The existing septic system or sanitary house connection location shall be shown on the plan.
7. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
  - A review must be completed by the New York State Department of Transportation, any comments or concerns addressed and required permits obtained.
  - A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
  - The Village of Grand View-on-Hudson is one of the reasons this proposal was referred to the Rockland County Department of Planning for review. The municipal boundary is along the eastern property line of the site. As required under Section 239n of the State General Municipal Law, the Village must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Town of Orangetown.
8. Rockland County Highway Department (RCHD) reviewed the information submitted and offered the following comments:
  - The proposed action would have a de-minimis impact upon the County Highway System. Therefore, the department poses no objection to the local determination unless major changes are proposed to the site plan in the future.

TOWN CLERK'S OFFICE  
2019 OCT 25 A 9:12  
TOWN OF ORANGETOWN



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

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

- Should the Board require a stormwater management system to remediate the increase in impervious coverage, application is to be made to the RCDOH for review of the system for compliance with the County Mosquito Code.

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

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

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

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

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

**14. 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:

TOWN CLERK'S OFFICE

2019 OCT 25 A 9:12

TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 8 of 9**

**Continuation of Condition #14...**

- 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.

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

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

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

TOWN CLERK'S OFFICE  
2019 OCT 25 A 9:12  
TOWN OF ORANGETOWN

**PB #19-24: Karayal Site Plan  
Critical Environmental Area  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #48567**

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

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

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

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

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

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

The foregoing Resolution was made and moved by William Young and second by Stephen Sweeney and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Bruce Bond, absent; Robert Dell, absent; Stephen Sweeney, aye, and Mike McCrory, 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 7, 2019  
Cheryl Coopersmith  
Chief Clerk Boards and Commissions  
Town of Orangetown Planning Board**

Attachment



TOWN CLERK'S OFFICE  
2019 OCT 25 A 9:12  
TOWN OF ORANGETOWN

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

**PB #19-24: Karayal Site Plan  
Critical Environmental Area  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #48567**

**Town of Orangetown Planning Board Decision  
October 7, 2019**

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

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

**NAME OF ACTION: Karayal Site Plan - Critical Environmental Area  
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 1071 Route 9W, Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 10; in the R-22 zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

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

2019 OCT 25 A 9:12  
TOWN OF ORANGETOWN

**PB #19-61: Rubano Resubdivision Plan  
Final Resubdivision Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 1 of 7**

**TO: Dwight Joyce, Esq., 2 Joyce Plaza, Stony Point, New York 10980  
FROM: Orangetown Planning Board**

**RE: Rubano Resubdivision Plan:** The application of Henry Rubano, owner, for Prepreliminary/ Preliminary/ Final Resubdivision Plan Review at a site to be known as "**Rubano Resubdivision Plan**", located in the Critical Environmental Area, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 1129-1131 Route 9W, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 2, Lots 24 & 29 in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Monday, October 7, 2019**, the Board made the following determinations:

Dwight Joyce, Henry Rubano and Rick Rubano appeared and testified before the Board.

The Board received the following communications:

1. Project Review Committee Report dated October 2, 2019.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Rick Oliver, Deputy Building Inspector, dated October 2, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., October 3, 2019.
4. A letter from Rockland County Department of Planning, from Michael Kezner, dated September 12, 2019.
5. A letter from Rockland County Department of Highway, signed by Dyan Rajasingham, Engineer II, dated September 9, 2019.
6. Letters from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer dated September 26, 2019.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated September 13, 2019.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chair, dated September 17, 2019.
9. Resubdivision Plan prepared by Anthony Celentano, PLS, dated August 8, 2019.
10. A Short Environmental Assessment Form signed by Henry Rubano, dated August 15, 2019.

TOWN CLERK'S OFFICE  
2019 OCT 25 A 9:12  
TOWN OF ORANGETOWN

**PB #19-61: Rubano Resubdivision Plan  
Final Resubdivision Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 2 of 7**

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

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

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (al) 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 Michael Mandel and seconded by Stephen Sweeney and carried as follows: Thomas Warren – Chairman, aye; William Young, Vice-Chairman, aye; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, aye; Bruce Bond, absent and Robert Dell, 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 Anthony Celentano, PLS, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Sewer District No.1, Rockland County Department of Planning and Rockland County Highway Department and having reviewed a proposed Resubdivision plan by prepared by Anthony Celentano, PLS, 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;

TOWN CLERK'S OFFICE  
2019 OCT 25 A 9:12  
TOWN OF ORANGETOWN

**PB #19-61: Rubano Resubdivision Plan  
Final Resubdivision Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 3 of 7**

- 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 Michael Mandel and seconded by William Young and carried as follows: Thomas Warren – Chairman, aye; William Young, Vice-Chairman, aye; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, aye; Bruce Bond, absent and Robert Dell, 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 **Final Resubdivision Plan Approval Subject to the Following Conditions:**

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

TOWN CLERK'S OFFICE  
2019 OCT 25 A 9:12  
TOWN OF ORANGETOWN

**PB #19-61: Rubano Resubdivision Plan  
Final Resubdivision Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 4 of 7**

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 page and liber (instrument number) and ownership of any and all easements on the project site shall be added to the drawings.
4. Application is to be made to Rockland County Department of Health for review of the storm water management system for compliance with the County Mosquito Code.
5. Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and no future correspondence is requested for this site.
6. 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
  - Rockland County Department of Planning
  - Town of Orangetown Zoning Board of Appeals
7. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plats prior to signing the final plans.
8. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.
9. 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.

TOWN OF ORANGETOWN  
2019 OCT 25 A 9:12  
TOWN CLERK'S OFFICE



**PB #19-61: Rubano Resubdivision Plan  
Final Resubdivision Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 5 of 7**

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

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

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

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

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

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

TOWN CLERK'S OFFICE

2019 OCT 25 A 9:12

TOWN OF ORANGETOWN

**PB #19-61: Rubano Resubdivision Plan  
Final Resubdivision Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 6 of 7**

**12.** 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.

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

**14.** 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).

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

**16.** 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

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

TOWN OF ORANGETOWN  
2019 OCT 25 A 9 12  
TOWN CLERK'S OFFICE

**PB #19-61: Rubano Resubdivision Plan  
Final Resubdivision Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 7 of 7**

The foregoing Resolution 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; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, aye; Bruce Bond, absent and Robert Dell, 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 7, 2019  
Cheryl Coopersmith  
Chief Clerk Boards and Commissions  
Town of Orangetown Planning Board  
attachment**



TOWN OF ORANGETOWN  
2019 OCT 25 A 9:12  
TOWN CLERK'S OFFICE

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

**PB #19-61: Rubano Resubdivision Plan  
Final Resubdivision Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
October 7, 2019**

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

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

**NAME OF ACTION: Rubano Resubdivision Plan: Final Resubdivision Plan Approval Subject to Conditions/ Neg. Dec.**

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

**DESCRIPTION OF ACTION: Resubdivision Plan Review (lot merger)**

**LOCATION:** The site is located at 1129-1131 Route 9W, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 2, Lots 24 & 29 in the RG zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

TOWN CLERK'S OFFICE

2019 OCT 25 4:12

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

**PB #19-62: Anda Realty Site Plan  
Final Approval to Amend the Final Site  
Plan Approval (PB#11-58), Subject  
to Conditions**

**Permit #46013**

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 1 of 5**

**TO: Aidan McCormack, 153 East Central Avenue, Pearl River, NY  
FROM: Orangetown Planning Board**

**RE: Anda Realty Site Plan Amendment, a continued item:** The application of Aidan McCormack; Anda Realty, LLC, owner, for an Amendment to PB #11-58, Final Site Plan Approval with Conditions, dated December 14, 2011, for Prepreliminary/ Preliminary/ Final Site Plan Review, at a site known as “**Anda Realty LLC**,” 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 153 East Central Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.16, Block 6, Lot 39 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Monday, October 7, 2019** at which time the Board made the following determinations:

Aidan McCormack and Jay Greenwell appeared and testified before the Board. The Board received the following communications:

1. Project Review Committee Report dated October 2, 2019.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated October 4, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., October 3, 2019.
4. A letter from Rockland County Department of Planning, signed Douglas Schuetz, Acting Commissioner of Planning, dated September 20, 2019.
5. A letter from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated September 26, 2019, revised October 2, 2019.
6. A copy of an agreement between Anda Realty, LLC and Karl Ackermann, signed and dated June 4, 2019.
7. Amended Final Site Plan prepared by Jay Greenwell, PLS and Paul Gdanski, PE, dated October 26, 2018, last revision date of April 25, 2019.
8. A Narrative Summary, prepared by Jay Greenwell, PLS, dated August 8, 2019.

TOWN CLERK'S OFFICE  
2019 OCT 25 A 9:13  
TOWN OF ORANGETOWN

**PB #19-62: Anda Realty Site Plan  
Final Approval to Amend the Final Site  
Plan Approval (PB#11-58), Subject  
to Conditions**

**Permit #46013**

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 2 of 5**

9. Copies of Board Decisions: PB #17-62, Preliminary Approval to Amend the Final Site Plan Approval (PB#11-58), Subject to Conditions, dated April 10, 2019; ZBA #19-53, Side Yard and Total Side Yard, Approved as Amended from ZBA#10-64, dated September 1, 2010 pertinent previous conditions remain with conditions of agreement dated June 4, 2019 between McCormack (owner) and Ackermann (abutting property owner), dated June 5, 2019 and ACABOR #19-35, Approved as Presented, dated July 25, 2019.

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

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

**DECISION:** In view of the foregoing and the testimony before the Board, the application was granted **Final Approval to Amend the Final Site Plan Approval (PB#11-58), Subject to the Following Conditions:**

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall comply with all previous and pertinent applicable Board Decisions: PB #17-62, Preliminary Approval to Amend the Final Site Plan Approval (PB#11-58), Subject to Conditions, dated April 10, 2019; ZBA #19-53, Side Yard and Total Side Yard, Approved as Amended from ZBA#10-64, dated September 1, 2010 pertinent previous conditions remain with conditions of agreement dated June 4, 2019 between McCormack (owner) and Ackermann (abutting property owner), dated June 5, 2019 and ACABOR #19-35, Approved as Presented, dated July 25, 2019.

TOWN OF ORANGETOWN  
OCT 25 9 13  
TOWN CLERK'S OFFICE

4. The applicant must contact the Building Inspector to schedule a Final Inspection and request issuance of the Certificate of Occupancy.
5. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
  - An updated review shall be completed by the Rockland County Highway Department. In addition, as indicated in their letter of May 15, 2019, a road work permit must be obtained for the amended site plan.
  - A review must be completed by the Rockland County Health Department to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.
6. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans prior to signing the final plans.
7. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
8. **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:

TOWN OF ORANGETOWN  
2019 OCT 25 A 9:13  
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 4 of 5**

**Continuation of Condition #8...**

- 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.

**9.** 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.

**10.** 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.

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

**12.** 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).

TOWN CLERK'S OFFICE

2019 OCT 25 9:13

TOWN OF ORANGETOWN



**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 5 of 5**

13. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
14. 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
15. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.
16. 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 William Young and seconded by Stephen Sweeney and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, aye; Robert Dell, absent and Bruce Bond, 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 7, 2019**  
**Cheryl Coopersmith**  
**Chief Clerk Boards and Commissions**  
**Town of Orangetown Planning Board**



TOWN OF ORANGETOWN  
2019 OCT 25 A 9:13  
TOWN CLERK'S OFFICE

**PB #19-63: Nice Pak Site Plans  
Outdoor Tank Site Plan  
Final Site Plan Approval Subject to Conditions**

**Permit #48687**

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 1 of 8**

**TO: William Cavazzini, 2 Nice Pak Park, Orangeburg, New York 10962  
FROM: Orangetown Planning Board**

**RE: Nice Pak Site Plans:** The application of PDI, Inc., applicant for Picker Properties, LLC, owner, for a Final Site Plan Review of the installation of 2 outdoor storage tanks, at a site known as “**Nice Pak Site Plans**”, 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 2 Nice Pak Park, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 16; in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Monday, October 7, 2019** at which time the Board made the following determinations:

Brian Quinn, William Cavazzini, Eric Emmett and Kaushaw Seth and Lorain Gallagher appeared and testified before the Board.

The Board received the following communications:

1. Project Review Committee Report dated October 2, 2019.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated October 4, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 3, 2019.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E. dated October 7, 2019.
5. A letter from Rockland County Department of Planning, signed by, Douglas Schuetz, Acting Commissioner of Planning dated September 20, 2019.
6. A letter from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated September 26, 2019.
7. Site Plan prepared by Greenman – Pedersen, Inc.:
  - Drawing C-001: Site Plan dated May 29, 2019, last revised July 25, 2019.
8. Erosion and Sediment Control Plan prepared by Mainstay Engineering Group:
  - Drawing C1.11: Erosion and Sediment Control Plan dated March 4, 2019, last revised April 29, 2019
9. Structural Sections prepared by Mainstay Engineering Group:
  - Drawing S6.01: Structural Sections dated December 17, 2018, last revised August 14, 2019
  - Drawing A3.12: New Work Plan- First Floor-Storage Tanks and Sections dated December 17, 2018, last revised August 15, 2019

TOWN CLERK'S OFFICE  
2019 OCT 25 A 9:13  
TOWN OF ORANGETOWN

**PB #19-63: Nice Pak Site Plans  
Outdoor Tank Site Plan  
Final Site Plan Approval Subject to Conditions**

**Permit #48687**

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 2 of 8**

10. An email and a letter from William Cavazzini, Project Manager, Nice Pak/PDI, dated October 2, 2019, requesting waiver from Town Guidelines regarding Sunday Work.
11. An email from William Cavazzini, Nice Pak, dated October 2, 2019 with additional information and clarification to concerns raised by the Town of Orangetown Fire Safety Inspector.
12. Copies of information provided to the Town of Orangetown Zoning Board of Appeals for the Nice Pak Performance Standards Review, to include memos from the Town of Orangetown Department of Environmental Management and Engineering memorandums from Eamon Reilly, Commissioner dated August 14, 2019, Dyan Hofsiss, dated August 14, 2019, Bruce Peters, dated August 14, 2019 and Michael Weber, Industrial Pretreatment Coordinator, dated August 14, 2019.
13. A copy of the New York Standard Operation Procedure, dated June 2019, entitled "Hazardous Waste, Universal Waste, and Used Oil Handling, Disposal and Contingency Plan, pages 1 – 16.
14. Letters from William Cavazzini, PDI, to Kenneth DeGennaro, Brooker Engineering, dated August 12 & July 24, 2019.
15. Stormwater Calculations for Nice Pak/PDI prepared by Eliyohu Schneider, P.E. dated August 6, 2019.
16. A copy of a letter to Acting Commission Schuetz, Rockland County Department of Planning, from William Cavazzini, PDI, dated July 24, 2019.
17. Copies of the following Board Decisions: PB#19-47, Preliminary Site Plan Approval Subject to Conditions, dated July 31, 2019 and ZBA#19-87, Performance Standards, dated September 18, 2019.

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

**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."

TOWN OF ORANGETOWN

**PB #19-63: Nice Pak Site Plans  
Outdoor Tank Site Plan  
Final Site Plan Approval Subject to Conditions**

**Permit #48687**

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 3 of 8**

2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday, **with the exception of One (1) Sunday as noted in Condition #22 of this Decision**. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.

4. The applicant must comply with all conditions of the Planning Board decisions and obtain all permits and approvals from the various agencies where required and must submit them to the Planning Board Clerk. **A final site plan complying with all conditions must be submitted to the Planning Board Clerk for review and approval. No permits can be issued until the final site plan is signed and approved for filing and construction plans are approved.**

**5. Drainage Review Recommendation – Brooker Engineering**

The applicant is proposing to add a roof structure over a portion of the east side of the building over an area that is mostly impervious gravel/asphalt. The applicant has demonstrated the drainage flow pattern and provided information with respect to the capacity of the existing on-site wetland to receive this additional stormwater runoff. Based on the information provided, potential significant adverse impacts with respect to increases in stormwater runoff can be mitigated. Therefore, the Drainage Consultant, Brooker Engineering recommends that the Nice Pak Site Plan be approved for drainage subject to the following Project Comments.

This is the third drainage review report for this project; the last review was dated July 31, 2019. The site located at 2 Nice Pak Park in the LIO zoning district. The property is developed with an existing building and parking areas. There are wetlands located along the east side of the property, and stormwater runoff flows southwest through the site.

The application proposes two exterior liquid storage tanks for the manufacturing use along the east side of the building in a gravel parking lot. The total area of disturbance is 1,918 SF, all located on the east side of the building over largely impervious area.

TOWN CLERK'S OFFICE  
2019 OCT 25 A 9:13  
TOWN OF ORANGETOWN

**PB #19-63: Nice Pak Site Plans  
Outdoor Tank Site Plan  
Final Site Plan Approval Subject to Conditions**

**Permit #48687**

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 4 of 8**

**Continuation of Condition #5...**

The proposed stormwater management pond shown on the north side of the plan is shown per an old set of plans and not proposed for this submission. Change in grading in the east parking lot is as per a previous design. The scope of work is limited to the containment structure located on the east side of the building. Stormwater runoff will flow southwest to an existing wetland/stormwater management facility that is part of the overall development. The October 7, 2019 Nice Pak Site wetland is oversized with respect to the capacity of the existing impervious area, as per the applicant's historic observation. The limit of disturbance is 1,918 SF located on the east side of the building over areas that are mostly gravel and asphalt. The existing drainage pattern is remaining the same.

**Project Comments**

1. As per the July 31, 2019 and July 22, 2019 reports, the existing pavement/crushed stone pavement limits on the east side of the building shall be clearly shown on the site plan. The existing berm shall be shown on the plan with existing contours demonstrating the actual location.
2. As per the July 31, 2019 report, the drainage calculations provided have been designed per NYS/International Plumbing Code. The calculations shall be designed for the 100-year, 24 rainfall event, with standards as per the NYSDEC 2015 Stormwater Design Manual.
3. As per the July 31, 2019 and July 22, 2019 reports, any historic fill and regrading in the wetlands shall be shown on the site plan. The berm along the edge of parking for the trailers shall be shown with an updated topographic survey in this area.
4. As per the July 31, 2019 report, the calculations provided demonstrating the capacity of the wetland storage area shall be signed and sealed by an engineer. The calculations shall include the 100-year, 24 hour design storm, the subarea directed to the wetland storage area, and the stage versus storage and stage versus discharge routing characteristics of the pond.
5. The site plan contains topography based on field survey and Rockland County Aerial Data from the year 2000. The site plan shall show one set of topographic data based on the current field conditions.
6. Proposed grading shall be shown at the area of disturbance to show positive drainage away from the building.

TOWN OF ORANGETOWN  
2019 OCT 25 A 9:13  
TOWN CLERK'S OFFICE

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

- An updated review must be completed by the County of Rockland Department of Health. In addition, the applicant must comply with the comments made in their letter dated July 25, 2019.
- A review shall be completed by the County of Rockland Division of Environmental Resources and any comments or concerns addressed.
- The applicant must comply with the comments made by the New York State Department of Environmental Conservation in their letter of July 2, 2019.
- By State Law, the applicant must register with the local fire inspector using Form 209U for the proposed chemical bulk storage materials.
- Under SARA – Title 3, the applicant must register with the Rockland County Fire Training Center.
- 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.
- In order to prevent unauthorized access to the adjacent County Park through the subject site, access control measures should be installed and shown on the site plan.

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

- The proposed storage tanks will require registration with the NYSDEC Chemical Bulk Storage program.

8. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, the site has been determined to be outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act is not required.

TOWN CLERK'S OFFICE  
OCT 25 4 13 PM  
TOWN OF ORANGETOWN

**PB #19-63: Nice Pak Site Plans  
Outdoor Tank Site Plan  
Final Site Plan Approval Subject to Conditions**

**Permit #48687**

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 6 of 8**

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

- **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).

10. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: PB#19-47, Preliminary Site Plan Approval Subject to Conditions, dated July 31, 2019 and ZBA#19-87, Performance Standards, dated September 18, 2019.

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:

TOWN CLERK'S OFFICE  
2019 OCT 25 A 9:13  
TOWN OF ORANGETOWN

**PB #19-63: Nice Pak Site Plans  
Outdoor Tank Site Plan  
Final Site Plan Approval Subject to Conditions**

**Permit #48687**

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 7 of 8**

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

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

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

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

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

TOWN CLERK'S OFFICE  
2019 OCT 25 A 9:13  
TOWN OF ORANGETOWN



**PB #19-63: Nice Pak Site Plans  
Outdoor Tank Site Plan  
Final Site Plan Approval Subject to Conditions**

**Permit #48687**

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 8 of 8**

18. If the applicant, during the course of construction of any required public improvements or private sanitary or storm sewer improvements, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant (or the applicant's engineer) shall submit their recommendations as to the special treatment or design modification to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's (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).

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

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

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

**22. A motion was made to waive the Town of Orangetown guideline regarding Sunday work. The Board granted the applicant the ability to work up to 12 hours of time for One Day, upon the written approval of the Town of Orangetown Director of OBZPAE.** The motion was made by Michael Mandel and second by Stephen Sweeney and carried as follows: Thomas Warren - Chairman, aye; William Young - Vice Chairman, aye; Robert Dell, absent; Bruce Bond, absent; Michael McCrory, aye; Stephen Sweeney, aye and Michael Mandel, aye.

The foregoing Resolution was made and moved by William Young and seconded by Stephen Sweeney and carried as follows: Thomas Warren - Chairman, aye; William Young - Vice Chairman, aye; Michael Mandel, aye; Michael McCrory, aye; Robert Dell, absent; Stephen Sweeney, aye, and Bruce Bond, 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 7, 2019  
Cheryl Coopersmith  
Chief Clerk Boards and Commissions  
Town of Orangetown Planning Board**



TOWN CLERK'S OFFICE  
2019 OCT 25 4 43 PM  
TOWN OF ORANGETOWN

**PB #19-66: South Orangetown Ambulance Corp. Resubdivision Plan  
Final Resubdivision Plan Approval  
Subject to Conditions**

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 1 of 8**

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

**RE: South Orangetown Ambulance Corp. Resubdivision Plan:** The application of South Orangetown Ambulance Corp, owner, for Prepreliminary/ Preliminary/ Final Resubdivision Plan Review at a site to be known as “**South Orangetown Ambulance Corp Resubdivision Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 70 Independence Avenue, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.18, Block 3, Lots 38 & 40 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Monday, October 7, 2019**, the Board made the following determinations:

Kier Levesque, Pete Roimisher, Jay Greenwell, and Donald Brenner appeared and testified to the Board.

The Board received the following communications:

1. A Project Review Committee Report dated October 2, 2019.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., Director, dated October 4, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., October 3, 2019.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated September 29, 2019.
5. Letters from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated September 20, 2019 and Michael Kezner, dated September 11, 2019.
6. Letters from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated September 26, 2019.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated September 12, 2019.
8. A letter from the Rockland County Highway Department, signed by Dyan Rajasingham, dated August 29, 2019.

TOWN CLERK'S OFFICE  
2019 OCT 25 A 9:13  
TOWN OF ORANGETOWN

**PB #19-66: South Orangetown Ambulance  
Corp. Resubdivision Plan  
Final Resubdivision Plan Approval  
Subject to Conditions**

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 2 of 8**

9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chair, dated September 18, 2019.
10. A Hydraulic Analysis and Stormwater Design Calculations report prepared by Paul Gdanski, PE, dated December 4, 2018.
11. Resubdivision Plan prepared by Jay Greenwell, PLS, dated October 23, 2018.
12. Project narrative prepared by Donald Brenner, dated August 14, 2019.
13. Short Environmental Assessment Form, dated August 13, 2019, signed by Peter Roimisher.

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

**Public Comment:**

TJ Muncan, 17 Amy Court, Tappan; questioned why the lots needed to be merged.

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

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

1. The following note shall be placed on the Resubdivision plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

TOWN CLERK'S OFFICE  
OCT 25 4 13  
TOWN OF ORANGETOWN

**PB #19-66: South Orangetown Ambulance  
Corp. Resubdivision Plan  
Final Resubdivision Plan Approval  
Subject to Conditions**

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 3 of 8**

3. The applicant must obtain the following variances when applying for Site Plan Review:

**Maximum FAR:** Required is 20%, existing 34% and proposed 21%.

**Front Yard;** Required is 100', previously approved is 10', 4.3' existing.

**Side Yard;** Required is 75', previously approved is 19.1, 18.9' existing.

**Rear Yard;** Required is 100', previously approved is 14.4', proposed 4.2'.

**Max building height;** Required is 3'/ft., with 20'-7" existing and proposed.

4. The Site and Landscaping Plans shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review at the time the proposed structure is reviewed under Site Plan Review.

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

6. The sanitary house connection for existing lot #74.18/3/39 shall be shown on the plan.

7. The sanitary house connection for Lot #74.18/3/39 shall be labeled and noted to be cut and capped at the main, across Independence Avenue.

8. A note shall be added to the plan stating that the Town of Orangetown Sewer Inspector shall be notified at least 48 hours prior to any and all sewer work being performed in connection with this Resubdivision.

**9. Drainage Review Recommendation – Brooker Engineering**

Sufficient information has been provided to demonstrate that potential significant impacts with respect to with respect to drainage can be mitigated. Brooker Engineering, the Planning Board Drainage Consultant, therefore recommends that the South Orangetown Ambulance Corps Site Plan and Resubdivision be approved for drainage subject to the following Project Comments.

**Project Description**

The project consists of merging of two tax lots and the construction of an addition on the south side of the existing South Orangetown Ambulance Corps building. A new parking lot will be built south of the building addition. An existing dwelling will be removed on the former tax lot. The ground slopes downhill to the south and a swale is located in the middle of the southern property line. Stormwater runoff slopes downhill to the swale from the front and rear yards. The project proposes stormwater mitigation in the form of four total drywells for about 5,805 square feet of additional impervious area.

TOWN OF ORANGETOWN  
2019 OCT 25 A 9:13  
TOWN CLERK'S OFFICE

**PB #19-66: South Orangetown Ambulance  
Corp. Resubdivision Plan  
Final Resubdivision Plan Approval  
Subject to Conditions**

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 4 of 8**

**Continuation of Condition #9...**

**Project Comments**

1. Provide more detail of the swale in the back of the proposed addition, particularly in the area where the building is setback 4.2 feet away from the property line. The design shall show positive drainage away from the building without affecting the neighboring property.
2. Align the proposed doghouse manhole in Independence Avenue with the existing curb line. Use a catch basin curb piece instead of a drainage manhole cover.
3. Provide top and bottom of wall elevations for the proposed retaining wall.
4. Label the overall dimensions of the stone envelope surrounding the drywells on the Grading Plan for ease of inspection.
5. Provide existing and proposed conditions drainage subarea maps with breakdowns of impervious coverage. Include the drainage subbasin intended to be conveyed to the drywell system on the Grading Plan.
6. The proposed grading shows the existing swale that travels south through the backyards as remaining. Label the "swale to remain" to ensure that the construction follows the design and for ease of inspection during construction.
7. Show additional detail along the top of new wall on the north side of the parking lot to provide a low point in the event the new field inlet is clogged. Overflows shall enter the new parking lot and not inundate the neighboring property to the north.
8. Remove the reference to side percolation on Item 6 of the drainage calculations.
9. Soil test pits shall be performed to verify the assumed percolation. Separation to groundwater shall be verified.

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

- As required by the Rockland County Stream Control Act, the Resubdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
- A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.

TOWN OF ORANGETOWN  
OCT 25 9 13 AM  
TOWN CLERK'S OFFICE

**PB #19-66: South Orangetown Ambulance  
Corp. Resubdivision Plan  
Final Resubdivision Plan Approval  
Subject to Conditions**

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 5 of 8**

**Continuation of Condition #10...**

- 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 Standards 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.
- A parking calculation shall be provided to ensure the parking needs for the Ambulance Corp are met.
- Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. In addition, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by Corp members.
- Note #1 on the Subdivision map incorrectly states this plan is for lots 49 and 50. This shall be corrected to lots 39 and 40.
- The Rockland County Department of Planning requests the opportunity to review the variances that will be needed to implement the proposed site plan and Resubdivision, as required by New York State General Municipal Law, Section 239-M (3)(a)(v).

**11.** Application is to be made to the Rockland County Department of Health for review of the stormwater management system for compliance with the County Mosquito Code.

**12.** 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.

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

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

TOWN CLERK'S OFFICE  
2019 OCT 25 A 9:14  
TOWN OF ORANGETOWN

**PB #19-66: South Orangetown Ambulance  
Corp. Resubdivision Plan  
Final Resubdivision Plan Approval  
Subject to Conditions**

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 6 of 8**

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

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

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

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

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

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

TOWN CLERK'S OFFICE  
2019 OCT 25 A 9:14  
TOWN OF ORANGETOWN

**PB #19-66: South Orangetown Ambulance  
Corp. Resubdivision Plan  
Final Resubdivision Plan Approval  
Subject to Conditions**

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 7 of 8**

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

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

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

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

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

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

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

TOWN CLERK'S OFFICE

2019 OCT 25 A 9 14

TOWN OF ORANGETOWN



**PB #19-66: South Orangetown Ambulance  
Corp. Resubdivision Plan  
Final Resubdivision Plan Approval  
Subject to Conditions**

**Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 8 of 8**

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

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

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

The foregoing Resolution was made and moved by Michael Mandel and seconded by Stephen Sweeney and carried as follows: Thomas Warren - Chairman; aye, William Young, Vice-Chairman, aye; Michael Mandel, aye; Stephen Sweeney, aye; Bruce Bond, absent; Robert Dell, absent, and Michael McCrory, 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 7, 2019  
Cheryl Coopersmith  
Chief Clerk Boards and Commissions  
Town of Orangetown Planning Board**  
Attachment



TOWN OF ORANGETOWN  
2019 OCT 25 A 9:14  
TOWN CLERK'S OFFICE

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

**PB #19-66: South Orangetown Ambulance  
Corp. Resubdivision Plan  
Final Resubdivision Plan Approval  
Subject to Conditions**

**Town of Orangetown Planning Board Decision  
October 7, 2019**

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

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

**NAME OF ACTION: South Orangetown Ambulance Corp. Resubdivision Plan; Final Resubdivision Plan Approval Subject to Conditions**

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

**DESCRIPTION OF ACTION: Resubdivision Plan Review**

**LOCATION:** The site is located at 70 Independence Avenue, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.18, Block 3, Lots 38 & 40 in the R-15 zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

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

2019 OCT 25 9:14  
TOWN OF ORANGETOWN

**PB#19-68: Camp Shanks Homes for Hero's Site Plan      Permit #49045**  
**Preliminary Site Plan Approval Subject**  
**to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision**  
**October 7, 2019**  
**Page 1 of 12**

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

**RE:            Camp Shanks – RHFH Phase II Site Plan:** The application of Rockland Homes for Heroes, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site to be known as “**Camp Shanks – RHFH Phase II Site**”, 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 335 Western Highway, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.18, Block 3, Lot 48 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Monday, October 7, 2019**, the Board made the following determinations:

Donald Brenner, Ken DeGennaro, John Allen Murphy, Tony Kowipafe, Joel Ives and Eugene Wasielewski appeared and testified.

The Board received the following communications:

1. A Project Review Committee Review dated October 2, 2019.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R. A., A.I.A., Director, dated October 4, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 3, 2019.
4. A letter from Maser Consulting signed and sealed by Jesse Cokeley, dated October 1, 2019.
5. Letters from the Rockland County Department of Highways, signed by Dyan Rajasingham, Engineer II, dated September 26, 2019 and Joseph Arena, dated October 2, 2019.
6. Letters from the Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated September 26, 2019.
7. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer I, dated September 13, 2019.

TOWN CLERK'S OFFICE  
2019 OCT 25 A 9:14  
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision**  
**October 7, 2019**  
**Page 2 of 12**

8. A letter from the New York State Department of Environmental Conservation, dated September 27, 2019, signed by Carrie Mackey, Division of Environmental Permits, Region 3.
9. A Short Environmental Assessment Form, signed by Kenneth DeGennaro, dated August 16, 2019
10. A Project Narrative prepared by Donald Brenner, dated August 12, 2019.
11. A letter prepared by Brooker Engineering, consultant for the applicant, signed by Kenneth DeGennaro, dated June 26, 2019.
12. A Building Permit Referral dated July 1, 2019, prepared by Rick Oliver, Deputy Building Inspector.
13. Plans prepared by Brooker Engineering, dated June 26, 2019:
  - 1: Title Sheet
  - 2: Existing Conditions & Demolition Plan
  - 3: Proposed Site Plan
  - 4: Proposed Grading & Utility Plan
  - 5: Soil Erosion & Sediment Control Plan
  - 6: Construction Details

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

**Public Comment:**

Janel Cooper, 360 Western Highway, Tappan; questioned how many people will live in phase II of the development, how many stories will the construction be and will the development be visible from Western Highway.

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

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (a) 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 William Young and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Michael McCrory, aye; Michael Mandel, aye; Robert Dell, absent; Bruce Bond, absent and Stephen Sweeney, aye the Board declared itself Lead Agency.

TOWN CLERK'S OFFICE  
OCT 25 9 14 AM 2019  
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision**  
**October 7, 2019**  
**Page 3 of 12**

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 Brooker Engineering 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 No.1, Rockland County Department of Health, Rockland County Department of Highways, New York State Department of Environmental Conservation and having reviewed proposed Site Plan by prepared by Brooker Engineering, a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

TOWN CLERK'S OFFICE  
OCT 25 9:14  
TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 4 of 12

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

**DECISION:** In view of the foregoing and the testimony before the Board, the application was granted **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.
4. The applicant is proposing the renovation of existing buildings for an additional 14 unit expansion to the existing Homes for Hero's, Inc. site.
5. Town of Orangetown Town Code allows for a maximum lot area of 7 acres for Attached Veteran Housing with 8.16 acres proposed. A variance from the Town of Orangetown Zoning Board of Appeals is required.
6. The site, landscaping and architectural plans shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.

TOWN CLERK'S OFFICE  
OCT 25 4 14 PM  
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision**  
**October 7, 2019**  
**Page 5 of 12**

7. The amount of existing pavement to be removed shall be clearly delineated on the Site Plan.

8. A walking path is proposed for the site to the Town of Orangetown green infrastructure project. Town of Orangetown Town Board approval is required.

9. It was mentioned at the Project Review Committee meeting of October 2, 2019 that some of the pavement areas that are labeled as to be removed are now not going to be removed. If this is the case, then the applicant's engineer' letter of June 26, 2019, regarding drainage (exemption from water quality and quantity requirements) would no longer apply. The applicant and the applicant's engineer shall determine exactly what areas of pavement are to be removed, show that uniformly/ clearly and correctly on the drawings, and provide drainage calculations addressing all requirements based on the design.

10. The total area of disturbance (a.o.d.) shall be added to the plan. The applicant/ applicant's engineer is reminded that if the a.o.d. exceeds one (1) acre, a full SWPPP shall be submitted to DEME for review and approval.

11. Drainage calculations, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval. These calculations shall demonstrate whether or not water quality and quantity requirements will be met by impervious surface reduction or by installation of stormwater facilities.

12. The areas of existing pavement that are to be removed as part of this site plan, shall be clearly defined on drawings 2-5. A suggestion would be to show a special cross hatching in all areas of pavement that are to be removed.

13. The applicant's engineer shall coordinate the proposed drainage work for this project with the Town's Homes for Hero's (H4H) Green Infrastructure Project. This shall include ensuring that all proposed drainage improvement take into account/ line up with what is going to be done on the Town's site.

14. Sanitary calculations for the proposed site, prepared by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval. These calculations shall include an analysis of the existing sanitary mains that the project will tie into, down to the proposed new piping the Town is planning to install as part of the Homes for Hero's (H4H) Green Infrastructure Project.

15. The existing sanitary main is only 8 feet off of the southernmost proposed multi-family dwelling. The main is also 8-10 feet deep. This is too close. Given the main's age, there is the real possibility that the Town will need to perform maintenance on it in the future. Having to excavate that deep, near what will be an occupied residence is unacceptable. Therefore, the applicant's engineer shall design a new sanitary main that is further away from the proposed dwelling. Profiles and details for same shall be added to the drawings.

Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 6 of 12

16. Currently, the drawing shows multiple sanitary building connections tying into one line of unspecified size, before connecting to the existing sanitary main. In order for this to be acceptable, the individual building connection must tie into a new 8 inch main or have separate connections from the buildings to the existing main.

17. The existing sanitary main shall be shown in it's entirely through the site.

18. The applicant's attorney shall prepare a 20 foot wide easement, for the existing sanitary main that runs through the site, to benefit the Town of Orangetown. This easement, with metes and bounds, shall be shown on the drawings. The easement shall also "run" from the dead end manhole, through the proposed driveway, to the existing access easement the Town has at the entrance to the site. The easement document shall be submitted to the Town Attorney's office and to DEME for review and approval.

19. The project proposes to construct a walking path from the site to the Town's H4H Green Infrastructure Project. This includes construction on Town property. **The applicant shall obtain approval for this work from the Town Board prior to the map/ plan being signed.**

20. A profile for the proposed walkway to the Green Infrastructure Project shall be provided on the plans.

21. Profiles for all proposed sanitary and drainage piping shall be added to the plans.

22. A note shall be added to the plan stating that the Town of Orangetown Sewer Inspector shall be notified at least 48 hours prior to any and all work being performed in connection with this site plan.

23. The soil erosion and sediment control plans and details are under review by DEME.

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

25. If the drainage calculations demonstrate the need for stormwater quality and quantity facilities/ controls, a post construction stormwater maintenance agreement, in accordance with NYSDEC Phase II Regulations, for the proposed stormwater systems, shall be submitted to DEME and the Town Attorney's office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc.

TOWN CLERK'S OFFICE  
2019 OCT 25 A 9:14  
TOWN OF ORANGETOWN



Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 7 of 12

26. Iron pins shall be drawn and labeled at each property corner.

**27. Drainage Review Recommendation – Maser Consulting**

The proposed stormwater management plan is attempting to provide a greener redevelopment of an existing property which meets the intent of the regulations and therefore, Maser Consulting, the Planning Board's Drainage Consultant recommends that Camp Shanks – RHFH Phase II Site Plan be approved for drainage subject to the following conditions.

**Project Comments**

1. According to a note on Drawing 5 of the plans, the site in question is considered a redevelopment activity with an overall reduction in impervious coverage over 25% and therefore post construction water quality and quantity measures are not required. While the Drainage Consultant does not disagree with this approach for drainage on this project, this statement is not entirely accurate, and additional information is required to confirm.
2. Water Quantity controls such as Channel Protection and ten-year and hundred-year criteria would not apply IF the development activities result in no change to the hydrology that increase the discharge rate from the project. Therefore, a pre versus post comparison shall be provided to determine if that is indeed the case for this project.
3. Water Quality treatment objectives can be achieved by the reduction of existing impervious cover by a minimum of 25% of the total disturbed, impervious area. Please elaborate on the breakdown of the impervious surfaces to remain, to be removed, and to be replaced and/ or newly constructed shown in the table provided on Drawing 5. It would be helpful to key them to the areas on the plan so this can be reviewed and confirmed. It is also somewhat confusing in that there is an existing pavement total of 71,266 SF of impervious surface comprised of buildings but it is not clear. In order to claim this reduction, a clear graphic representation on the plans shall be provided, and it shall match the input numbers utilized in the pre versus post comparison requested in comment #2 above.
4. It is also worth noting that Chapter 9 of the NYSSMDM states that the final grading of the site should be planned to minimize runoff contribution from new pervious area onto the impervious cover. Effective implementation of this option requires restoration of soil properties in the newly created pervious areas. Soil restoration is achieved by practices such as soil amendment, deep-ripping, and de-compaction.

TOWN CLERK'S OFFICE  
2019 OCT 25 A 9 14  
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision**  
**October 7, 2019**  
**Page 8 of 12**

**Continuation of Condition #27...**

5. A SWPPP is still required based on the Area of Disturbance being 2.43 acres as indicated on Drawing 5, which is greater than 1 acre.

6. Please show the limit of disturbance graphically on the drawings, as well.

**28.** The Rockland County Health Department (RCDOH) reviewed the submitted information and offered the following comments:

1. A copy of the sanitary sewer analysis is to be submitted directly to RCDOH for review.
2. Application is to be made to the Health Department for review of the stormwater system for compliance with the County Mosquito Code.
3. In accordance with Article 13.8.1 of the Rockland County Sanitary Code, all multiple dwellings with three (3) or more rental units and all rooming houses must register and obtain a Multiple Dwelling Rental Certificate from the Rockland County Health Department Rockland Codes Initiative (RCI) prior to occupancy.

**29.** Based upon the plans and information received, Rockland County Highway Department offered the following comments:

1. The existing access easement in favor of Town of Orangetown in the property may need to be redefined and recorded in the County Clerk's office as the access easement does not align with the existing driveway/ private road.
2. The proposed sidewalk in the property shall be extended up to Western Highway.
3. Traffic control signs may be required at the existing driveway due to increase in traffic flow through the driveway.
4. A road work permit shall be obtained from the Rockland County Highway Department prior to starting any construction work in the property.

**30.** 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.

**31.** 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:

TOWN OF ORANGETOWN  
2019 OCT 25 A 9:14  
TOWN CLERK'S OFFICE

Town of Orangetown Planning Board Decision  
October 7, 2019  
Page 9 of 12

**Continuation of Condition #31...**

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:

- **SPDES Stormwater (Construction):** Since project activities will disturb over one acre of land, the project sponsor must obtain coverage under the current SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-15-002) and develop a Stormwater Pollution Prevention Plan (SWPPP) that conforms to requirements of the General Permit. As this site is within a Municipal Separate Storm Sewer System (MS4) community, the Town of Orangetown is responsible for review and acceptance of the SWPPP and the MS-4 Acceptance Form must be submitted to NYSDEC.
- **State Pollution Discharge Elimination System (SPDES) Wastewater:** It is not clear from the Short Environmental Assessment Form (EAF) how much sanitary wastewater the proposed project will generate or whether the sanitary wastewater will be discharged into a public or private system. Please be aware that if the project site will connect to an existing Sewer District, then an engineering report must be prepared to confirm the capacity of that wastewater facility to serve the proposed project and that the NYSDEC's Division of Water is required to review and approve plans for any proposed sewer extensions or facility expansion. If the project site will connect to a private system, then note that sewage effluent discharges of 1,000 gallons per day or greater to groundwater are regulated under Article 17 of the Environmental Conservation Law and require a SPDES permit.
- **Water Withdrawal:** It is not clear from the Short EAF how much water the proposed project will generate or whether the water will be provided by a public or private water supply. Please note that if the project site is served by a public water supply, additional NYSDEC approval may be required to ensure that the site is covered under an existing Water Withdrawal permit and does not exceed the authorized maximum taking of water into the existing water district or service area. If the proposed project site is served by a private water supply, an Article 15 Water Withdrawal permit may be required to undertake activities pursuant to 6NYCRR Part 601.6, such as the construction, operation and maintenance of a water withdrawal system with the capacity to withdraw 100,000 gallons or more per day regardless of the actual demand on the system (6NYCRR Part 601.6c).

TOWN CLERK'S OFFICE

2019 OCT 25 A 9:14

TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision**  
**October 7, 2019**  
**Page 10 of 12**

**Continuation of Condition #31...**

- **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.

**32.** 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 No. 1
- Rockland County Department of Health
- Rockland County Highway Department
- New York State Department of Environmental Conservation

**33.** 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.

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

**35. 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.

TOWN CLERK'S OFFICE

2019 OCT 25 A 9:14

TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision**  
**October 7, 2019**  
**Page 11 of 12**

**Continuation of Condition #35...**

- 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.

**36.** 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.

**37.** 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.

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

TOWN CLERK'S OFFICE  
2019 OCT 25 A 9:14  
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision**  
**October 7, 2019**  
**Page 12 of 12**

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

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

**41.** 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

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

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

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

**Dated: October 7, 2019**

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

**Town of Orangetown Planning Board** attachment

*Cheryl Coopersmith*  
TOWN OF ORANGETOWN  
OCT 25 10 14 AM '19

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

**PB#19-68: Camp Shanks Homes for Hero's Site Plan      Permit #49045  
Preliminary Site Plan Approval Subject  
to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
October 7, 2019**

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

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

**NAME OF ACTION: Camp Shanks Homes for Hero's 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 335 Western Highway, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.18, Block 3, Lot 48 in the R-15 zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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  
2019 OCT 25 4 07 PM  
TOWN CLERK'S OFFICE