

**Meeting of September 11, 2019
Town of Orangetown Planning Board**

MEMBERS PRESENT: Thomas Warren, Chairman
William Young, Vice-Chairman Stephen Sweeney
Michael Mandel Bruce Bond
Robert Dell

MEMBERS ABSENT: Michael McCrory

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

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

Lowe's Home Center Outdoor Storage and Fire Lane Designation Plan Final Site Plan Review 200 Route 303, Orangeburg 74.15/1/3; LI zoning district	Final Site Plan Amendment to the Approved Site Plan Subject to Conditions	PB #19-52
Dynamic Productions USA Site Plan Prepreliminary/Preliminary/ Final Site Plan and SEQRA Review 300 Blaisdell Road, Orangeburg 73.20/1/1.2; LIO zoning district	Postponed by Applicant	PB #19-13
Schneider Minor Subdivision Plan Tappan Historic Area Final Subdivision Plan Review 40 Van Wardt Plan, Tappan 77.15/1/72; R-15 zoning district	Continued to September 25, 2019 Meeting	PB #19-53
St. Thomas Aquinas Dormitory Site Plan Final Site Plan Review 124 Route 340, Sparkill 74.12/1/29 and 74.16/1/1 R-40 zoning district	Postponed by Applicant to September 25, 2019 Meeting	PB #19-54
Alatsas – DWA LLC Minor Subdivision Plan Prepreliminary/ Preliminary/ Final Subdivision Plan and SEQRA Review 15 & 19 Mercury Drive, Pearl River 68.14/2/49 & 50; R-15 zoning district	Postponed by Applicant to September 25, 2019 Meeting	PB #19-55

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2019 SEP 26 P 1:28
TOWN CLERK'S OFFICE

September 11, 2019 Planning Board Meeting

Orangetown Quick Stop Site Plan

Prepreliminary/ Preliminary/ Final Site Plan
and SEQRA Review
Route 303 Overlay Zone
299 Route 303, Orangeburg
74.11/2/48; CC zoning district

PB #19-56

**Postponed
by Applicant
to September 25, 2019
Meeting**

Other Business: Referrals and Lead Agency Requests from the Town Board:

1. Proposed change to Chapter 43, Article IV, Lot and Bulk Controls for PAC Developments. The Board consented to the Town Board to act as Lead Agency. The submitted information was reviewed and the Board had no comments.
2. Proposed Local Law- Community Choice Aggregation Program. The Board consented to the Town Board to act as Lead Agency. The submitted information was reviewed and the Board had no comments.
3. Solar Energy Local Law. The Board consented to the Town Board to act as Lead Agency. The submitted information was reviewed and the Board had no comments.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Michael Mandel and seconded by Bruce Bond and agreed to by all in attendance. The meeting was adjourned at 8:32 p.m. The next Planning Board meeting is scheduled for September 25, 2019.

DATED: September 11, 2019

**Cheryl Coopersmith
Chief Clerk Boards and Commissions**



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

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

Heard by the Planning Board of the Town of Orangetown at a meeting held
Wednesday, September 11, 2019 the Board made the following determinations:

Jesse Cokeley appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated September 4, 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 September 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 September 6, 2019.
4. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated August 22, 2019.
5. A letter from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated August 30, 2019.
6. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Douglas Sampath, Fire Inspector, dated July 3, 2019.
7. An email from the Rockland County Drainage Agency dated August 20, 2019 from Shajan Thottakara, P.E., CFM, Engineer III, Permits and Reviews.
8. A letter from New York State Department of Environmental Conservation dated March 21, 2019 signed by Victoria Lawrence, Division of Environmental Permits, Region 3.
9. An Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Douglas Sampath, Fire Inspector, dated July 3, 2019.
10. Submitted at the meeting by the applicant, a photograph of the site.

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11. A Site Plan entitled Fire Access and Outdoor Storage Plan prepared by Maser Consulting, dated December 14, 2018, last revised July 18, 2019.
12. A letter and Project Narrative Summary from Maser Consulting dated August 7, 2019, signed by Christopher Riggle, P.E., Project Manager.
13. A Building Permit Referral dated December 28, 2018, prepared by Rick Oliver, Building Inspector.
14. Copies of the following Board Decisions: ACABOR #19-23, Approved Subject to Conditions, dated July 11, 2019; ZBA #19-45, Parking Spaces and Outdoor Storage Variances Approved as Labeled on Revised Plan, dated May 1, 2019 and PB #19-14, Preliminary Amendment to Approved Site Plan Approval Subject to Conditions, dated March 13, 2019.

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

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. The applicant shall comply with all previous and applicable Board Decisions: ACABOR #19-23, Approved Subject to Conditions, dated July 11, 2019; ZBA #19-45, Parking Spaces and Outdoor Storage Variances Approved as Labeled on Revised Plan, dated May 1, 2019 and PB #19-14, Preliminary Amendment to Approved Site Plan Approval Subject to Conditions, dated March 13, 2019.
3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.

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4. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained and the Final Site Plan is stamped by the Chief Clerk to the Board.
5. The existing sanitary sewer easement, along the northern side of the property shall be shown, with metes and bounds on the Site Plan. The sanitary main within said easement shall also be shown on the Site Plan, including manholes with rim and invert elevations.
6. The existing storm drainage system for the site shall be shown on the drawings. This shall include all drainage structures with top and invert elevations, along with all drainage piping.
7. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - The site plan, dated July 18, 2019 indicates variances are requested to provide outdoor sales and storage to place outdoor storage in side and rear yards, and for parking. This should be updated to reflect the fact that these variance have been granted at the May 1, 2019 Zoning Board of Appeals meeting, ZBA #19-45.
 - An updated review must be completed by the County of Rockland Department of Health, any comment or concerns addressed and required permits obtained.
8. The Rockland County Department of Health has reviewed the plans and found that there previous concerns have been addressed.
9. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is not required based upon its review of the information provided.
10. The Town of Orangetown Bureau of Fire Prevention reviewed the information and offered the following comments:
 - Fire Lanes as indicated on the Site Plan, dated December, 2018 must be striped and signed per town code and NYS fire code specifications
 - All fire lanes must be a minimum of 26 feet wide.
 - No storage or vehicles are permitted in any fire lane at any time.
 - Exterior areas in front of all fire exist doors must be striped and signs placed on exterior of doors indicated "Fire Exist Do Not Block."
 - Customer pick up area shall be moved to the area just south of the main entrance door, not in the fire lane. (Please clarify with Fire Inspector)

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11. 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 permit:

- **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 to initiate the review process.

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. 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.

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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 Resubdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Federal Wetlands - U.S. Army Corps of Engineers).

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.

Override

The Board made a motion to override Condition #1 and #3 of the August 22, 2019 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

#1. The site plan shall contain a bulk table that shows the plans are in compliance with the bulk standards of the LI zoning district.

The Board held that this project is an amendment to an existing Approved Site Plan and that there was no change in the bulk on the site.

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

#3. A review shall be completed by the New York State Department of Transportation, and any required permits obtained.

The Board held that the project is for outdoor storage and fire lane designation and is an amendment to an existing Approved Site Plan which New York State Department of Transportation previously approved.

A motion to override the condition 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; Michael Mandel, aye; Michael McCrory, absent; Robert Dell, aye; Stephen Sweeney, aye, and Bruce Bond.

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

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

Dated: September 11, 2019
Cheryl Coopersmith, Chief Clerk Boards and Commissions
Town of Orangetown Planning Board

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