

TOWN OF ORANGETOWN PLANNING BOARD
Virtual Meeting of Wednesday, September 9, 2020

MEMBERS PRESENT:

Thomas Warren, Chairman	William Young, Vice-Chairman
Michael Mandel	Michael McCroly
Andrew Andrews	Stephen Sweeney
Bruce Bond (alternate)	Robert Dell

MEMBER ABSENT: None

ALSO PRESENT: Jane Slavin, Director, Office of Building, Zoning, Planning Administration and Enforcement; Rick Pakola, Deputy Town Attorney; Cheryl Coopersmith, Chief Clerk Boards and Commissions

Thomas Warren, Chairman, called the meeting to order at 7:00 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:

Griffin Site Plan Performance Bond	PB #19-29
Recommendation to the Town Board to Release the Performance Bond Sunrise Lane, Pearl River 69.18/3/4/3.2; R-15 zoning district	Recommended to Town Board

Dexter Plaza Site Plan – Lot 1./30	PB#20-36
Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review	Final Site Plan Approval Subject to Conditions/ Neg. Dec.
Review of Staircase Plan 60-70 Dexter Plaza, Pearl River 68.20/1/1./30; LI zoning district	

Dexter Plaza Site Plan – Lot 11./40	PB#20-37
Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review	Final Site Plan Approval Subject to Conditions/ Neg. Dec.
Review of Staircase Plan 4-6 Dexter Plaza, Pearl River 68.20/1/1./40; LI zoning district	

Bergson Subdivision – Lot 3.1-2 Site Plan	PB#20-38
Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review	Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.
56 Woods Road, Palisades 78.18/1/3.1-2; R-80 zoning district	

Continued Item from the June 1, 2020 Meeting:	
119 Tweed Boulevard Site Plan	PB#20-21
Critical Environmental Area Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review	Postponed to October 14th Meeting
119 Tweed Boulevard, Upper Grandview 71.17/1/19; R-22 zoning district	

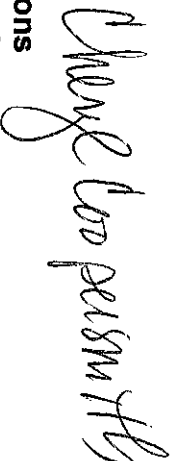
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September 9, 2020 Planning Board Meeting

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 William Young, Vice Chairman and agreed to by all in attendance. The meeting was adjourned at 8:40 p.m. The next Planning Board meeting is scheduled for September 23, 2020.

DATED: September 9, 2020

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



TOWN CLERK'S OFFICE

SEP 29 12:37

TOWN OF ORANGETOWN

**PB#19-29: Griffin Site Plan – Recommendation to the Town Board to
Release the Performance Bond**

**Town of Orangetown Planning Board Recommendation
September 9, 2020
Page 1 of 2**

**TO: Stephen Griffin, 27 Sunrise Lane, Pearl River, New York
FROM: Town of Orangetown Planning Board**

RE: Griffin Site Plan: The application of Steven Griffin, owner, for a **Recommendation to the Town Board to Release the Performance Bond** at a site known as “**Griffin Site Plan**”, located in the Kreiger Subdivision 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 on Sunrise Lane, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.18, Block 3, Lot 43.2 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held **Wednesday, September 9, 2020**, at which time the Board made the following determinations:

Stephen Griffin appeared and testified.

The Board received the following communications:

1. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated September 3, 2020.
2. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown signed by Eamon Reilly, P.E., Commissioner, dated August 5, 2020, and from the Highway Department, signed by James Dean, Superintendent of Highways, dated August 7, 2020.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 3, 2020.
4. A copy of PB#19-06, Recommendation to the Town Board to Establish the Term and Value of the Performance Bond, dated January 23, 2019.

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

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PB#19-29: Griffin Site Plan – Recommendation to the Town Board to Release the Performance Bond

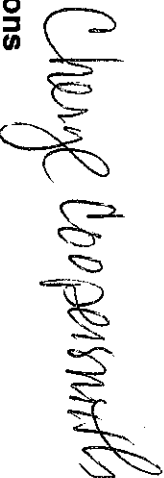
**Town of Orangetown Planning Board Recommendation
September 9, 2020
Page 2 of 2**

RECOMMENDATION: In view of the foregoing, the Planning Board Recommended to the **Town of Orangetown Town Board to Release the Performance Bond.**

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

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

**Dated: September 9, 2020
Cheryl Coopersmith
Chief Clerk Boards and Commissions**



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101130 ORANGETOWN

Final Site Plan Approval
Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision
September 9, 2020 – Virtual Meeting
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TO: Thomas Bertussi, 60-70 Dexter Plaza, Pearl River, NY
FROM: Orangetown Planning Board

RE: Dexter Plaza Site Plan – Lot 1./30: The application of Tri-Bee Ltd., owner, for Prepreliminary/ Preliminary/ Final Site Plan Review for stairway at a site known as “**Dexter Plaza Site Plan – Lot 1./30**”, 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 60-70 Dexter Plaza, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 1, Lot 1./30, in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held **Wednesday, September 9, 2020**, the Board made the following determinations:

Jay Greenwell, Donald Brenner, Al Dattoli and Mirtha Quintana appeared and testified.

The Board received the following communications:

1. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., Director, dated September 3, 2020.
2. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 8, 2020.
3. Letters from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated August 17, 2020 and Michael Kezner, dated August 6, 2020.
4. A notice from the Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated September 4, 2020.
5. A letter from the Rockland County Drainage Agency, dated September 4, 2020, signed by Shajan Thottakara, P.E.
6. Email from New York State Department of Environmental Conservation, from Christopher Lang, dated August 3, 2020.

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**Town of Orangetown Planning Board Decision
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7. A notice from Suez, signed by Bill Prehoda, dated August 6, 2020.
8. A Short Environmental Assessment Form, signed by Thomas Bertussi, dated July 2, 2020.
9. Site Plan prepared by Jay Greenwell, PLS, dated May 21, 2020.
10. Architectural Plan prepared by Albert Dattoli, RA, dated April 7, 2020.
11. Building Permit Referral dated June 16, 2020.

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

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by 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, aye; Michael McCrory, aye; Andrew Andrews, aye; Bruce Bond, abstain and Stephen Sweeney, aye, the Board declared itself Lead Agency.

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

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TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Jay Greenwell and Albert Dattoli 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: Rockland County Department of Health, Rockland County Drainage Agency, Rockland County Highway Department, Rockland County Department of Planning, and having reviewed a proposed Site plan by prepared by Jay Greenwell, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

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

**Town of Orangetown Planning Board Decision
September 9, 2020 – Virtual Meeting
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On motion by Michael Mandel and seconded by Robert Dell and carried as follows Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Robert Dell, aye; Michael McCrory, aye; Andrew Andrews, aye; Bruce Bond, abstain 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 **Final 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. 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.
4. The applicant has the option to redesign the stairway to widen the width of the structure, create a larger platform and round the corners. If the applicant selects this option, the plans shall be revised and submitted.
5. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - A review must be completed by the Rockland County Drainage Agency, and any required permits obtained.
 - A review must be completed by the Rockland County Department of Highways, any concerns addressed, and all required permits obtained.
 - A review must be completed by the New York State Department of Transportation, any concerns or comments addressed, and all required permits obtained.

301110 S.MR3710 NMA01

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**Town of Orangetown Planning Board Decision
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Continuation of Condition #5...

- Note #1 indicates that parcel ID is 68.20-1-1./40. This should be corrected to 68.20-1-1./30.
 - The 2020 Land Use Board application and SEAF indicate the site is 0.75 acres. It must be clarified as to where this number came from as the entire site is approximately 7.7 acres while the building is close to 0.22 acres.
6. The address and section, block and lot on the site plan and architectural plans need to be corrected to reflect the correct street address and tax lot numbers.
7. The Rockland County Drainage Agency (RCDA) reviewed the submitted information and found that the site is within the jurisdiction of the RCDA, however, a Stream Control Act permit from RCDA is not requested for the proposal. Please note that any future improvements at this site will require a permit or a written consent from the RCDA.
8. The New York State Department of Environmental Conservation reviewed the information and found that the site does not appear to be any State-regulated Freshwater Wetlands in the area. Aside from that, it does not appear that a project of this nature would trip the thresholds of any other permit program from DEC so there would be no other comments at this time.
9. 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 Planning
 - Rockland County Drainage Agency,
 - Rockland County Department of Health
10. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans prior to signing the final plans.
11. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
12. 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. 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 and §6A.

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**Town of Orangetown Planning Board Decision
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13. All landscaping shown on the site 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.
14. 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.
15. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
16. 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).
17. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
18. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications
19. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

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Final Site Plan Approval
Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision
September 9, 2020 – Virtual Meeting
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ACABOR

The Planning Board granted a waiver of the Architecture and Community Appearance Board of Review.

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; Andrew Andrews, aye; Bruce Bond, abstain; Stephen Sweeney, aye; Robert Dell, aye and Mike McCrory, aye.

Overrides

The Board made a motion to override Condition #4 of the August 17, 2020 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

- #4. A parking calculation shall be provided to ensure there is an adequate number of parking spaces being provided.

The Board held that the number of parking spaces are to remain the same as presently exists, parking in this area had been studied numerous times and that the applicant had submitted parking calculations in the past.

A motion to override the condition 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; Andrew Andrews, aye; Bruce Bond, abstain; Robert Dell, aye; Stephen Sweeney, aye, and Michael McCrory, aye.

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; Michael Mandel, aye; Robert Dell, aye; Michael McCrory, aye; Andrew Andrews, aye; Bruce Bond, abstain and Stephen Sweeney, aye

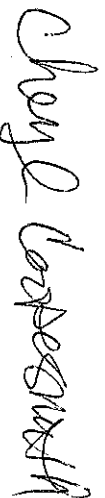
The Clerk to the Board is hereby authorized, directed and empowered to sign this **DECISION** and file a certified copy in the Office of the Town Clerk and the Office of the Planning Board.

Dated: September 9, 2020

Cheryl Coopersmith

Chief Clerk Boards and Commissions

attachment



OFFICE
S. KRISTINA
12:21 PM 6/23/2020
NOV 13 10:10 AM '20

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

PB #20-36: Dexter Plaza Site Plan- lot 1./30

Permit #50174

Final Site Plan Approval

Subject to Conditions/ Neg. Dec.

September 9, 2020 – Virtual Meeting

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: Dexter Plaza Site Plan- lot 1./30

SEQR STATUS: Type I Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes No XXXXXX

DESCRIPTION OF ACTION: Final Site Plan Subject to Conditions/ Neg. Dec.

LOCATION: The site is located at 60-70 Dexter Plaza, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 1, Lot 1./30; in the LI 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 development. The proposed action is consistent with the Town of Orangetown Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

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

For Further Information contact:

Office of Building, Zoning and Planning

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

For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent: - Commissioner, New York State Department of Environmental

Conservation, - Region 3 Headquarters, NYSDEC, - Town Supervisor, Applicant

- Involved Agencies

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PB #20-37: Dexter Plaza Site Plan- lot 1/.40

Permit #50173

Final Site Plan Approval
Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision
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TO: Thomas Bertussi, 60-70 Dexter Plaza, Pearl River, NY
FROM: Orangetown Planning Board

RE: **Dexter Plaza Site Plan – Lot 1./40:** The application of Tri-Bee Ltd., owner, for Prepreliminary/ Preliminary/ Final Site Plan Review for stairway at a site known as “**Dexter Plaza Site Plan – Lot 1./40**”, 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 4-6 Dexter Plaza, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 1, Lot 1./40, in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held **Wednesday, September 9, 2020**, the Board made the following determinations:

Jay Greenwell, Donald Brenner, Al Dattoli and Mirtha Quintana appeared and testified.

The Board received the following communications:

1. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., Director, dated September 3, 2020.
2. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 8, 2020.
3. Letters from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated August 17, 2020 and Michael Kezner, dated August 6, 2020.
4. A notice from the Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated September 4, 2020.
5. A letter from the Rockland County Drainage Agency, dated September 4, 2020, signed by Shajan Thottakara, P.E.

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**Town of Orangetown Planning Board Decision
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6. A notice from Suez, signed by Bill Prehoda, dated August 6, 2020.
7. A Short Environmental Assessment Form, signed by Thomas Bertussi, dated July 2, 2020.
8. Site Plan prepared by Jay Greenwell, PLS, dated May 21, 2020.
9. Architectural Plan prepared by Albert Dattoli, RA, dated April 7, 2020.
10. Building Permit Referral dated June 16, 2020.

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

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Andrew Andrews and seconded by Michael Mandel and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Robert Dell, aye; Michael McCrory, aye; Andrew Andrews, aye; Stephen Sweeney, aye, and Bruce Bond, abstain, 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 Jay Greenwell and Albert Dattoli and having heard from the following offices,

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Town of Orangetown Planning Board Decision
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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: Rockland County Department of Health, Rockland County Department of Highways, Rockland County Drainage Agency, Rockland County Department of Planning, and having reviewed a proposed Site plan by prepared by Jay Greenwell, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown 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; Robert Dell, aye; Michael McCrory, aye; Andrew Andrews, aye; Stephen Sweeney, aye, and Bruce Bond, abstain, the Board made a Negative Declaration pursuant to SEQRA.

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DECISION: In view of the foregoing and the testimony before the Board, the application was granted **Final 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."
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 applicant has agreed to review the stairway and make alterations to enlarge the stairway to 5 feet wide, enlarge the platform by an additional 2 feet and round the corners. The plans shall be revised and submitted.
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. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - A review must be completed by the Rockland County Drainage Agency, and any required permits obtained.
 - A review must be completed by the Rockland County Department of Highways, any concerns addressed, and all required permits obtained.
 - A review must be completed by the New York State Department of Transportation, any concerns or comments addressed, and all required permits obtained.
 - The stairway is proposed to be located over an existing parking space, and exiting into another space. These spaces must be removed or relocated to a new area.

OFFICE S.MERTZ MA01

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Continuation of Condition #5...

- Aerial imagery available to Rockland County Department of Planning depicts vehicles parked in the fire lane just south of the building where the stairs are proposed to be installed. Vehicles must not be permitted to park in this area.
 - The 2020 Land Use Board application and SEAF indicate the site is 1.13 acres. It must be clarified as to where this number came from as the entire site is approximately 7.7 acres while the building is close to 0.59 acres.
- 6.** The address and section, block and lot on the site plan and architectural plans need to be corrected to reflect the correct street address and tax lot numbers.
- 7.** The New York State Department of Environmental Conservation reviewed the information and found that the site does not appear to be any State-regulated Freshwater Wetlands in the area. Aside from that, it does not appear that a project of this nature would trip the thresholds of any other permit program from DEC so there would be no other comments at this time.
- 8.** The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
- Rockland County Department of Planning
 - Rockland County Highway Department
 - Rockland County Drainage Agency
 - Rockland County Department of Health
- 9.** The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans prior to signing the final plans.
- 10.** All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
- 11.** All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A. 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 and §6A.

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12. All landscaping shown on the site 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.
13. Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.
14. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
15. If the applicant, during the course of construction of any required public improvements or private sanitary or storm sewer improvements, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant (or the applicant's engineer) shall submit their recommendations as to the special treatment or design modification to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's (applicant's engineer's) recommendations to correct the condition(s), or order a disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Federal Wetlands - U.S. Army Corps of Engineers).
16. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
17. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications

OFFICE SUPERVISOR

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

**Town of Orangetown Planning Board Decision
September 9, 2020 – Virtual Meeting
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18. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

Override

The Board made a motion to override Condition #6 of the August 17, 2020 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

#6. A parking calculation shall be provided to ensure there is an adequate number of parking spaces being provided.

The Board held that the number of parking spaces are to remain the same as presently exists. Some of the parking spaces will be moved to other locations within the lot, however there has been not been a decrease in the number of spaces. In addition, the parking in this area had been studied numerous times and that the applicant had submitted parking calculations in the past.

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

ACABOR

The Planning Board granted a waiver of the Architecture and Community Appearance Board of Review.

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; Andrew Andrews, aye; Stephen Sweeney, aye; Robert Dell, aye and Michael McCrory, aye and Bruce Bond, abstain.

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Final Site Plan Approval
Subject to Conditions/ Neg. Dec.

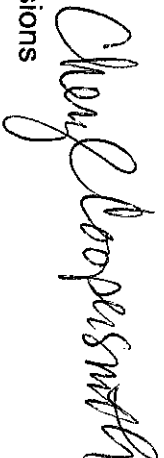
Town of Orangetown Planning Board Decision
September 9, 2020 – Virtual Meeting
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The foregoing Resolution was made and moved by Michael Mandel and seconded by Robert Dell and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Robert Dell, aye; Michael McCrory, aye; Andrew Andrews, aye; Stephen Sweeney, and aye Bruce Bond, abstain

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 9, 2020

Cheryl Coopersmith
Chief Clerk Boards and Commissions



attachment

TOWN CLERK'S OFFICE

SEP 29 12 39

ORANGETOWN

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

PB #20-37: Dexter Plaza Site Plan- lot 1./40
Final Site Plan Approval
Subject to Conditions/ Neg. Dec.

Permit #50173

Town of Orangetown Planning Board Decision
September 9, 2020 – Virtual Meeting

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: Dexter Plaza Site Plan- lot 1./40

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

DESCRIPTION OF ACTION: Final Site Plan Subject to Conditions/ Neg. Dec.

LOCATION: The site is located at 4-6 Dexter Plaza, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 1, Lot 1./40; in the LI 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 development. The proposed action is consistent with the Town of Orangetown Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

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

For Further Information contact:
Office of Building, Zoning and Planning
Administration and Enforcement; Town of Orangetown; 20 Greenbush Road
Orangeburg, NY 10962; Telephone Number: 845-359-5100
For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent: - Commissioner, New York State Department of Environmental
Conservation, - Region 3 Headquarters, NYSDEC, - Town Supervisor, Applicant
- Involved Agencies

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**PB #20-38: Bergson Site Plan – Lot #3.1-2
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #50062

**Town of Orangetown Planning Board Decision
September 9, 2020
Page 1 of 11**

**TO: Walter Aurell, 171 Kings Highway, Orangeburg, New York
FROM: Orangetown Planning Board**

RE: Bergson Site Plan – Lot 3.1-2: The application of Walter Aurell, applicant, for Simon Bergson, owner, for Preliminary/ Preliminary/ Final Site Plan Review at a site to be known as “**Bergson 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 56 Woods Road, Palisades, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 78.18, Block 1, Lot 3.1-2 in the R-80 zoning district.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held a **September 9, 2020**, at which time the Board made the following determinations:

Walter Aurell, Margarita Garcia and Jay Greenwell appeared and testified. The Board received the following communications:

1. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated September 3, 2020.
2. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 8, 2020.
3. A letter from Brookler Engineering, signed by Kenneth DeGennaro, P.E., dated September 8, 2020.
4. Letters from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated August 17, 2020 and Michael Kezner, dated August 7, 2020.
5. A letter from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated August 10, 2020.
6. A letter from Rockland County Health Department, signed by Liz Mello, P.E., dated September 4, 2020.
7. A Project Narrative prepared by Walter Aurell, RA.
8. A Short Environmental Assessment Form signed by Walter Aurell, dated June 4, 2020.
9. Building Permit Referral to the Planning Board dated May 26, 2020 prepared by Rick Oliver, Building Inspector.

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**Town of Orangetown Planning Board Decision
September 9, 2020
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10. Site Plan prepared by Jay Greenwell, PLS last revised August 3, 2020
 - Site Plan
 - Details
11. A Geotechnical Investigation Report prepared by CPLA Architects, dated July 13, 2020.
12. A Drainage Report prepared by David Getz, PE, dated August 3, 2020.
13. Response from applicant to Rockland County Department of Planning letter dated August 17, 2020.

The Board reviewed the plans. The hearing was 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 Stephen Sweeney and second by Michael Mandel and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, aye, Bruce Bond, abstain 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 Michael Mandel and second by Stephen Sweeney and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, aye, Bruce Bond, abstain and Michael McCrory, aye, the Board declared itself Lead Agency.

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

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**Town of Orangetown Planning Board Decision
September 9, 2020
Page 3 of 11**

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, 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: Rockland County Department of Highway, Rockland County Department of Planning, Rockland County Department of Health and having reviewed the drawings presented by the applicant's professional consultant; Walter Aurell, RA and Jay Greenwell, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

OFFICE SECRETARY

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TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision
September 9, 2020
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On motion by William Young and second by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Michael McCrory, aye; Robert Dell, aye; Stephen Sweeney, aye, Bruce Bond, abstain and Andrew Andrews, 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.
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.

301130 S.MR370 MM01

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Town of Orangetown Planning Board Decision
September 9, 2020
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4. The site plan indicates that the main dwelling is a new 2 story dwelling, however a letter from Walter Aurell dated 8/17/2020 indicates the dwelling is a one-story dwelling with loft. Please clarify.
5. The Town of Orangetown Architecture and Community Appearance Board of Review shall review and approval is required for the site plan and the proposed new dwelling.
6. 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.
7. The applicant testified that the guest house would not be used as a film studio, only as a guest house. If the structure is proposed to be used as a film studio, review and approval by the Town of Orangetown Zoning Board of Appeals would be required for the existing structure indicated to be utilized as a guest house and film studio. Per Town Code section 11.2 Definitions;

HOME OCCUPATION;

A profession or other occupation not otherwise permitted in the district which is conducted as an accessory use on a residential lot by one or more members of the family residing on the premises and which in R Districts conforms to the following additional restrictions: The profession or other occupation shall be carried on wholly within the primary structure on the premises, shall not exceed 15% of the total floor area of the primary structure, limited to a maximum of 500 square feet, and shall not be operated between the hours of 10:00 p.m. and 8:00 a.m.;...

8. The applicant's engineer shall calculate the total area of disturbance (a.o.d.) for all proposed improvements – reconstruction of Lot 2, including new stormwater pond, redevelopment of private access road, etc. If the total a.o.d. exceeds 1 acre, a formal SWPPP shall be prepared by a NYS Licensed professional Engineer and submitted to DEME for review and approval.
9. The following note shall be added to drawing: "The Contractor shall notify the Town of Orangetown Sewer Inspector at least 48 hours in advance of any construction taking place in or around the sanitary sewer system."
10. The drainage report submitted is under review by DEME. However, the location of the test pits and Perc Test locations given in the drainage report shall be shown on the drawings.

OFFICE

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11. A "blow-up" of the proposed stormwater storage area shall be added to the plans. Cross-sections depicting the elevations at all the year storms designed for, plus their related storage volumes shall be included in said profiles.
12. Profiles for the proposed new sanitary house connection (with invert elevations for the proposed cleanout(s) shown on the plan view) and the 12-inch culvert, under the new driveway, shall be added to the plans.
13. Rip rap shall be shown at the roof drain exhaust locations in the proposed stormwater storage area.
14. The soil erosion and sediment control plan is under review by DEME, but SESFC facilities shall be shown around the proposed stormwater storage area, utility installation areas, and around all structures and pavements that are to be removed.
15. The datum for the contours shall be given. Also, a note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.
16. **Drainage Recommendation – Brooker Engineering
Drainage Review Recommendation**
The application has provided sufficient information to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated. Brooker Engineering, the Planning Board's Drainage Consultant, therefore recommends that the Bergson Site Plan Lot 3.1-2 be approved for drainage subject to the following Project Comments.

Project Description

This is the first drainage review report for the site plan for this development at tax lot 78.18-1-3.1-2. The lot is located at the northwest side of the end of an existing private driveway referred to as Woods Road. There is an existing structure located along the southeast corner of the lot that is to remain as an accessory structure. A new 6,100 square foot home is proposed on the lot. There is a total increase of 13,314 square feet of impervious area, including the new driveway. The property has wetlands to the northeast and southwest; no disturbances are proposed in the wetlands. A stormwater management facility is proposed in the uplands area along the west side of the property. This basin receives stormwater runoff from the new house and discharges to the southwest wetland.

3011110 S.XR3710 MM01

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**Town of Orangetown Planning Board Decision
September 9, 2020
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Continuation of Condition #16...

Project Comments

1. Provide drainage subarea maps to scale. Rather than use a weighted curve number for the Proposed Conditions subarea directed to the basin, run the hydrologic model with a separate subarea for the directly connected building footprint that is combined with the footprint for the detention basin prior to the stormwater routing. Include any stormwater runoff from the pool area and rear yard that is directed to the stormwater management basin.
2. Provide stage versus discharge and stage versus storage supporting data in the drainage report.
3. Clarify if the existing trees in the proposed stormwater storage area are to be removed or remain. If the trees are to remain, the drainage report shall address the viability of their survival in a submerged stormwater management basin.
4. Add contour labels for the proposed contours around the stormwater management facility. Show how the existing 191 contour in the basin ties in to proposed grade.
5. Show additional drainage around the pool and rear courtyard to demonstrate positive drainage away from
6. The Drainage Consultant recommends the pipe invert out elevation at the stormwater management basin be elevated to above the bottom of the basin to create a sump and utilize the field measured soil percolation that is available in the area of the pond.
7. The majority of stormwater runoff from the new parking lot will bypass the stormwater management pond. The design shall be modified to direct more of the stormwater runoff from the driveway to the pond.
8. Provide pipe size diameters and slopes for the drainage of the roof leaders to the pond.
9. Provide more detailed grading in the area north of the existing one-story building to remain and the new driveway.
10. Provide sections through the pond and show the 100-year water surface elevation in the pond.

301110 S.MERTZ MM01

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**Town of Orangetown Planning Board Decision
September 9, 2020
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17. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:

- A review must be completed by the County of Rockland Department of Health, any comments or concerns addressed, and any required permits obtained.
- A review must be completed by the Rockland County Highway Department, any comments or concerns addressed, and any required permits obtained.
- A review must be completed by the New York-New Jersey Trail conference and any concerns addressed.
- A review must be completed by the United States Army Corps of Engineers and all required permits obtained.
- As per the Table of General Use Regulations for the R-80 zoning district, offices or recording studios are not permitted accessory uses. Therefore, the existing single-story structure must not be permitted to remain, or a variance will be required to allow it to be used as such.
- Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition 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.
- It must be clarified as to how many stories the proposed dwelling will be. The site plan indicates it is two-stories, while the project narrative states it will be one-story.
- Public sewer mains requiring extensions within a right of way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

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

- Rockland County Planning Department
- Rockland County Highway Department
- Rockland County Health Department

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

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

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

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

301330 S.W.373 MM01

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**Town of Orangetown Planning Board Decision
September 9, 2020
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23. 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.
24. 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.
25. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
26. 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).
27. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
28. 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

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

**Town of Orangetown Planning Board Decision
September 9, 2020
Page 11 of 11**

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

The foregoing Resolution was made and moved by Michael Mandel and second by William Young and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Andrew Andrews, aye; Michael Mandel, aye; Michael McCroy, aye; Robert Dell, aye; Stephen Sweeney, aye, and Bruce Bond, abstain.

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 9, 2020

Cheryl Coopersmith, Chief Clerk Boards and Commissions

Attachment



301110 S,AKR70 MM01

04:21 P 62:33 0007

MM0130NV00 FO MM01

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

PB#20-38: Bergson Site Plan – Lot #3.1-2

Permit #50062

Bergson Subdivision

Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.

Town of Orangetown Planning Board Decision
September 9, 2020

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: Bergson Site Plan – Lot #3.1-2 (Bergson Subdivision)
Preliminary Site Plan Approval Subject to Conditions**

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

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 56 Woods Road, Palisades, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 78.18, Block 1, Lot 3.1-2 in the R-80 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 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

301130 S.MR373 MM01

20 Greenbush Road, Orangeburg, NY 10962

011:21 62 335 0202

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