

**Meeting of April 27, 2016
Town of Orangetown Planning Board**

MEMBERS PRESENT: Kevin Garvey, Chairman; Bruce Bond, Vice Chairman
Thomas Warren; Robert Dell, Michael Mandel and William Young
Board Member Michael Mandel recused himself from the meeting due to a
conflict on the Hillside Commercial Park Site Plan matter.

MEMBERS ABSENT: Stephen Sweeney

ALSO PRESENT: John Giardiello, Director, Department of Building, Zoning,
Planning Administration and Enforcement; Robert Magrino, Deputy Town
Attorney; Ann Marie Ambrose, Stenographer and Cheryl Coopersmith,
Chief Clerk

Kevin Garvey, Chairman, called the meeting to order at 7:40 p.m.
Mr. Garvey read the agenda. Hearings as listed on this meeting's agenda which
are made a part of these minutes were held as noted below:

Hillside Commercial Park Site Plan

PB #14-27

Final Site Plan Review
Route 304, Pearl River
68.11/3/39 & 40; LI zoning district

**Final Site Plan Approval
Subject to Conditions**

The Decisions of the above hearings, as attached hereto, although made by the
Board before the conclusion of the meeting are not deemed accepted and
adopted by the Board until adopted by a formal motion for adoption of such
minutes by the Board. Following such approval and adoption by the Board, the
Decisions are mailed to the applicant. The verbatim transactions are not
transcribed, but are available.

Since there was no further business to come before the Board, a motion to
adjourn the meeting was made by Bruce Bond and seconded by
Thomas Warren and agreed to by all in attendance. The meeting was adjourned
at 9:21 p.m. The next Planning Board meeting is scheduled for May 11, 2016.

DATED: April 27, 2016

Cheryl Coopersmith

Chief Clerk Boards and Commissions

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

RE: Hillside Commercial Park Site Plan: The application of Route 304, LLC, owner, (Donald Brenner, attorney for the applicant), for Final Site Plan Review, at a site to be known as "**Hillside Commercial Park 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. The site is located on Route 304, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map: Section 68.11, Block 3, Lots 39 & 40; LI zoning district.

Discussed in Executive Sessions at the Planning Board of the Town of Orangetown at meetings held **Wednesday, June 25, July 9 and September 10, 2014** to discuss an Article 78 matter that was brought against the Planning Board related to a prior decision with respect to this matter.

Heard at the Planning Board of the Town of Orangetown at a meeting held **Wednesday, April 27, 2016**, the Board made the following determinations:

Donald Brenner, Edmund Lane and Stuart Strow appeared and testified Board Member Michael Mandel recused himself from the meeting.

The Board received the following communications:

1. Project Review Committee Reports:

- June 4, June 18, July 23, and September 3, 2014
- January 7, and April 1, 2015
- March 2, and April 20, 2016

2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown signed by John Giardiello, P.E., Director:

- June 11, June 25, July 23 and September 10, 2014
- January 14, and January 9, 2015
- March 9, and April 27, 2016

3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E.:

- June 5, and July 9, 2014
- January 9, April 7, and December 3, 2015
- March 3, 2016

4. Letters from Maser Consulting, Planning Board Drainage Consultant Signed by Joseph Caruso, P.E.:

- May 22, 2013
- September 9, December 11, and 30, 2014

Signed by Jesse B. Cokeley, P.E.:

- March 25, April 6, and December 1, 2015
- February 23, 2016

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5. Letters from Rockland County Department of Planning:
Signed by Thomas B. Vanderbeek, Commissioner of Planning
 - May 13, 2014Signed by Douglas Schuetz, Acting Commissioner of Planning
 - December 15, 2014
 - December 1, 2015
6. A letter from Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated April 27, 2016.
7. The following correspondence from Rockland County Drainage Agency:
 - A letter from Shajan Thottakara, dated May 8, 2013
 - An email from Shajan Thottakara dated November 21, 2014
 - A letter from Shajan Thottakara dated March 9, 2015
 - A letter from Shajan Thottakara dated November 18, 2015
 - A letter from Shajan Thottakara dated February 25, 2016
 - A letter from Shajan Thottakara, dated April 12, 2016
8. Letters from Rockland County Department of Highways signed by Sonny Lin, P.E., dated January 13, and December 9, 2015.
9. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated April 16, and November 24, 2014, and November 9, 2015.
10. The following correspondence from the Bureau of Fire Prevention, Town of Orangetown:
 - An interdepartmental memorandum dated April 28, 2014, signed by Michael Bettmann, Chief Fire Inspector,
 - An interdepartmental memorandum dated August 28, 2014, signed by Michael Bettmann, Chief Fire Inspector,
 - An interdepartmental memorandum dated November 25, 2014, signed by Michael Bettmann, Chief Fire Inspector,
 - An interdepartmental memorandum dated November 13, 2015, signed by Michael Bettmann, Chief Fire Inspector,
 - An interdepartmental memorandum dated February 29, 2016, signed by Douglas Sampath, Assistant Fire Inspector,
 - An email from Michael Bettmann, Chief Fire Inspector dated April 26, 2016

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11. The following correspondence from the New York State Department of Transportation:

- Mary Jo Russo, P.E., Rockland Permit Engineer, dated April 1, 2008
- Mary Jo Russo, P.E., Rockland Permit Engineer, dated May 2, 2013
- Mary Jo Russo, P.E., Rockland Permit Engineer, dated May 14, 2014
- Jennifer Clark, PE., Resident Engineer, dated January 5, 2015

12. An Email from Donald Brenner, Attorney for the Applicant, dated April 10, 2014.

13. A letter from Orange and Rockland Utilities, signed by Eric Grumm Real Estate Analyst, dated December 22, 2014.

14. A letter from the Department of the Army, New York District, Corps of Engineers, dated April 6, 2016, signed by Rosita Miranda, Chief, Western Section.

15. A letter from Brooker Engineering, Engineer Consultant for the Applicant dated April 27, 2016, signed by Stuart Strow, P.E.,

16. A letter from Tracey Hancock, 48 West George Street, Pearl River; undated, with an attachment, PB#85-160.

17. A letter from Feerick Lynch MacCartney, dated January 9, 2015, with an attachment of a Petition from the community.

18. Letters dated July 2, 2014 and January 11, 2015, from Members of RUSH, Residents United to Save Hillside with an attachment entitled Hillside Commercial Park Water Quality Issues and Concerns, dated March 2009.

19. Letters from Leonard Schweizer, abutting property owner:

- July 1, and July 19, 2014
- December 9, 2015

20. Copies of the following Board Decisions: PB #13-21 Disapproval of Final Site Plan, dated May 22, 2013, ACABOR #10-39, Amendment dated January 13, 2011 and Decision dated November 4, 2010, ZBA #08-06, dated January 16, 2008, PB #07-45, Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec., dated February 13, 2008 and PB #07-44, Preliminary/Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec., dated February 13, 2008.

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21. Site Plans prepared by Brooker Engineering, dated August 29, 2007, last revised January 12, 2016:

- Drawing T: Title Sheet
- Drawing 1: Layout Plan
- Drawing 2: Grading and Utility Plan (1 of 2)
- Drawing 3: Grading and Utility Plan (2 of 2)
- Drawing 4: Soil Erosion & Sediment Control Plan
- Drawing 5: Landscaping & Lighting Plan
- Drawing 6: Existing Condition Plan
- Drawing 7: Road Profiles (1 of 2)
- Drawing 8: Road Profiles (2 of 2)
- Drawing 9: Drainage Profiles
- Drawing 10: Sanitary Sewer Profiles & Details
- Drawing 11: Force Main Profiles
- Drawing 12: Construction Details (1 of 3)
- Drawing 13: Construction Details (2 of 3)
- Drawing 14: Construction Details (3 of 3)
- Drawing 15: Fire Service and Access Plan, dated January 12, 2016

22. Site Plans prepared by Brooker Engineering, with attached memo noting the following: "The enclosed drawing relates only to the items requested by the Fire Inspector specifically the width of the road and the location of the additional Fire Hydrants".

- Drawing 1: Layout Plan; dated August 29, 2007, revised April 20, 2016
- Drawing 15: Fire Service and Access Plan, dated January 12, 2016, revised April 20, 2016

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

Public Comments:

Catherine Kelly, Van Buren Street, Pearl River, discussed the concept of community, neighborhoods and community activists.

Lisa Sheridan, 48 Lewis Avenue, Pearl River, read a letter from the Attorney from RUSH. The letter noted that the Site Plan did not comply with the Architecture and Community Appearance Board of Review Decision and the Department of Environmental Management and Engineering requirements. Ms Sheridan also read a letter from Leonard Schweizer, abutting property owner. Mr. Schweizer's letter noted that his property and the applicant's property had issues regarding the use of an easement.

Meg Skarapits, 89 Serven Avenue, Pearl River, discussed the 1985 G.T.G Trucking Corporation application to the Planning Board. Thirty years ago, the Planning Board required the applicant to submit a Full Environmental Assessment Form while this application only provided a Short Environmental Assessment Form.

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Joanne Di Lorenzo, Registered Landscape Architect, 12 Moore Avenue, Pearl River; requested information relating to the Department of the Army, New York District, Corps of Engineers letter. She discussed the heights and impacts of the proposed retaining walls on the site. Ms Di Lorenzo questioned the Board regarding the tenant of the proposed building and uses.

Bill Hancock, 48 West George Street, Pearl River; raised concerns regarding Fire Safety issues, especially in storage units. He noted that Spring Valley had some recent problems.

Tracy Hancock, 48 West George Street, Pearl River; requested that the applicant go back to ACABOR for review. The plans under review do not reflect ACABOR conditions such as significant vegetation and buffers.

Bill Clark, 73 Hillside Avenue, Pearl River; noted that the Army Corp of Engineers did a study of land between Route 304 and Hillside Avenue and the study results noted that any construction would result in flooding.

Robin Riemenschneider, 240 Railroad Avenue, Pearl River; opposed the project. She recently purchased her property and was completely unaware of the ongoing proposed project.

Robert Wells, Rollins Avenue, Pearl River; expressed concerns that the plan does not show loading docks and wanted to know what use would be in the warehouse. Mr. Wells recently purchased his property.

Vincenza Dimuro, 99 Hillside Avenue, Pearl River, reviewed the New York State Department of Transportation letter and noted that the applicant has not followed through with its request.

Mike Palko, 40 Rollins Avenue, Pearl River; raised concerns regarding the applicant's development of the site and the impact of filling in the floodplain.

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Amy Bach, 25 Rollins Avenue, Pearl River; held that the Planning Board should not grant final approval tonight for this project. She noted that the vegetative buffer for this site has been removed from the plans.

Susan Koneig, 25 Carrie Lane, Nanuet, raised concerns regarding the possible use of the property.

Heather Hurley, Hobart Street, Pearl River, related a prior Planning Board project, Anellotech Site Plan, to the current project before the Board. Ms Hurley discussed the removal of trees and impact of mosquitos to the community as a result of the proposed project. She held that an article 78 would be filed against the Town.

Michael McCue, 21 West Lewis Avenue, Pearl River, discussed the Department of Environmental Management and Engineering's request for a SWPPP.

A motion was made to close the Public Hearing by Bruce Bond, and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; William Young, aye; Robert Dell, aye; Stephen Sweeney, absent; Thomas Warren, aye and Michael Mandel, recused.

DECISION: In view of the foregoing and the testimony before the Board, the application was Granted a Final Site Plan Approval Subject to the Following Conditions:

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a 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 applicable and pertinent conditions of all previous Board Decisions: PB #13-21 Disapproval of Final Site Plan, dated May 22, 2013, ACABOR #10-39, Amendment dated January 13, 2011 and Decision dated November 4, 2010, ZBA #08-06, dated January 16, 2008, PB #07-45, Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec., dated February 13, 2008 and PB #07-44, Preliminary/Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec., dated February 13, 2008.

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4. The applicant agreed and is required to reduce building #1 by 5,150 square footage on the east side of the structure by eliminating five feet from that side of the building for its entire length. The applicant therefore shall enlarge the vegetative buffer on that side of the project site by an additional five feet.
5. The Site Plan (layout plan) has been revised as now showing two buildings instead of three buildings. The property is remaining as two lots. The self-storage building on lot #1 is now a proposed 2 story building.
6. The grading and utility plan shows the 100 year floodplain. The 100 year floodplain elevation line shown on the plan is in accordance with the flood insurance rate map (FIRM), map number #36087C09159G. The floodplain permit was issued on April 25, 2016.
7. An Army Corp of Engineers nationwide permit NAN-2015-00332 was issued on April 6, 2016.
8. An acceptable/ approval letter from the Pearl River Fire Department for the Site Plan layout shall be required prior to the Planning Board Clerk signing the final plans. This letter can be obtained through the Chief Fire Inspector, Mr. Michael Bettmann.
9. The revised drainage report is under review. However, DEME notes that both the Rockland County Drainage Agency and the Planning Board's Drainage Consultant have many comments/ concerns regarding the proposed storm drainage for this site. The applicant's engineer is reminded that not only must the drainage calculations and drawings be updated/ corrected/ modified to meet those conditions, but the requested SWPPP (by DEME) must also reflect all of the corrections/ changes.
10. An updated Storm Water Pollution Prevention Plan that reflects the revised stormwater drainage design and revised layout shall be submitted for review and approval.
11. Copies of all correspondence, including any and all approvals, with the New York State Department of Environmental Conservation, U.S. Army Corps of Engineers, the Rockland County Drainage Agency, etc., in connection with this proposed site plan, shall be supplied to the Planning Board and DEME, prior to signing the map.
12. Revised sanitary calculations, including proposed flows and the design of the three **private** sanitary pumping stations/ force mains) shall be submitted for review and approval to DEME. The calculations shall include all buildings/ structures with sanitary building connections. The calculations shall also demonstrate that the force main from the proposed two-story storage facility can be "tied into" the force from the two-story office/ watchmen's residence.

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13. An additional cleanout/ inspection manhole shall be depicted along the gravity portion of the proposed private sanitary gravity main, right before the proposed sanitary pumping station, immediately north of the proposed warehouse/ light manufacturing building). The profile for the gravity main shall also be revised to show this manhole.

14. A profile for ejector pump #2 from the proposed two story self-storage building shall be added to the drawings. Also, there is some inconsistency between the labeling (numbering) of the proposed (2) ejector pumping station and the pumping station which carries the sanitary flow to the Town owned main at Crooked Hill Road and Railroad Avenue.

15. The profile for the force main from "pumping station #2 to Crooked Hill Road" (drawing #11) is mislabeled as "tying into" an existing force main. The plan view for this force main, drawing #3 depicts this force main as "tying into" a manhole at the intersection of Crooked Hill Road and Railroad Avenue. The profile shall be corrected.

16. A note shall be added to the Title Sheet and drawings 1-3, 10-11, that "The ownership and maintenance of the proposed private sanitary sewer system, including all pumping stations (3), gravity main, and force mains (3) on this site shall be the sole responsibility of the owners(s) of the lot(s). This shall include the force main running from proposed pumping station #1 to the "tie in" to the manhole at Crooked Hill Road and Railroad Avenue."

17. Because of the lots may be independently owned, cross easements and maintenance agreements shall be created for the proposed sanitary and storm sewer systems that run between the lots. These shall be submitted to the Town of Orangetown Town Attorney's Office for review and approval in substance and form. Although note #22 of the Title Sheet indicates that a maintenance agreement for the "detention basin" has already been filed in the Rockland County Clerk's Office, the entire drainage system has changed, as well as a portion of the Site Plan. Therefore, that agreement is no longer valid and does not reflect the current design and layout, so a new agreement must be created. Also, that agreement does not include the sanitary sewer system.

18. Post construction stormwater maintenance agreement(s) in accordance with New York State Department of Environmental Conservation Phase II regulations, for the proposed stormwater system(s) shall be submitted to DEME and the Town of Orangetown Town Attorney's Office for review and approval, in substance and form. Said agreement(s) shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc. Because some of the proposed drainage systems span both lots, the agreement shall include language to state the breakdown of responsibilities between the owners of each lot for the common drainage facilities.

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19. Detailed information regarding the proposed underground storage facilities shall be supplied, (i.e. storage capacity at certain elevations, etc.). This information shall be placed on the drawings and in the SWPPP.

20. The applicant shall demonstrate to the satisfaction of the Town Attorney's Office, the ability to obtain easements for the proposed force main, water and gas lines.

21. The revised Soil Erosion and Sediment Control Plans and Details are currently under review by DEME.

22. The Drainage Consultant to the Planning Board found that the proposed stormwater management plan meets the intent of the regulations and therefore recommends that the Hillside Commercial Park Site Plan be approved for drainage subject to the following comments:

• Many of the Consultant's comments have been addressed by note that the Drainage analysis submitted is not a full SWPPP, which is required to include a Notice of Intent and other various certifications prior to receiving final sign-off from the MS4 and obtaining a permit for construction from the New York State Department of Environmental Conservation. The Town of Orangetown Department of Environmental Management and Engineering typically reviews the Full SWPPP for accuracy and completeness. Accordingly, below is a list of comments and concerns with respect to the **proposed drainage design ONLY**:

1) The Revised Drainage Analysis provides calculations for the required stormwater mitigation features including Water Quality Volume, Runoff Reduction Volume and Peak Flows. The Drainage Consultant takes no issue with the calculations at this time.

2) The Soil Test Pit Data provided for Hole #S3 indicates groundwater was encountered at a depth of 6.5 feet. It is tough to read the plans and determine the existing surface in this area and how it lines up with the bottom of the Stormtech Chambers located at an elevation of 230.0 according to the plans. Please provide the approximate elevation of the groundwater and ensure this does not impact the design and location of the Stormtech Chambers per NYSSMDM regulations or manufacturer's recommendations.

3) The elevations of the Outlet Structures on the plans/details do not match the elevations provided in the Drainage Analysis. Please revise for consistency.

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Continuation of Condition #22...

4) The Drainage Consultant's previous comment stated that the 6" diameter orifices found in both outlet control structures are above the invert elevation of the infiltration systems. The applicant has noted in their response letter that "both of the infiltration systems include an inlet manhole with a sump, and an outlet structure with a sump. If infiltration does not occur as anticipated, the systems would back up into the inlet manhole and/or outlet structure, and the sumps could then be used to drain the systems by pumping." Granted the percolation test results were favorable, but if the system fails to infiltrate as anticipated, these orifices are the lowest elevation in the outlet structure that will allow water to leave, meaning the bottom portions of the Stormtech Chambers will always be full with water. The system should either be raised or the orifices lowered to ensure the system empties, leaving full storage capacity available for future storm events. Otherwise, a provision will need to be added to the Operation & Maintenance Plan that these systems will have to be monitored after each rain fall and the systems will have to be drained by pumping if it is discovered that infiltration is not occurring as anticipated.

• Comments on the Site Plan:

- a) HW A5 has an invert of 223.4 but a contour elevation of 228 around the headwall.
- b) The proposed retaining wall around the watchman's residence calls out a bottom of wall elevation of 224.0 but it appears existing grades in this area are somewhere between 229.0 and 222.0.
- c) The top of wall spot near CB D3 appears incorrect.
- d) Portions of the proposed grading along the western drive around the self – storage building needs to be revised. The portion between the centerline of the western drive and the proposed building north of Ejector Pump #2 and south of FI C3 is all labeled the same elevation (231.2) which will not drain and could lead to standing water that will ice over in the winter time.
- e) The trash enclosure south of CB L1 needs TW/BW spot elevations added to it.
- f) Will there be guiderail proposed on the top of the retaining walls that are adjacent to driveways?
- g) Where and how does CB N4 discharge?

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Continuation of Condition #22...

h) There appears to be a conflict with the proposed gas and water lines and OSN5.

i) The Check Dam for Vegetated Swale #3 has an invert of 226 but there is a spot elevation downstream of the check dam at 226.3. This would seem to leave standing water in this area.

j) Spot elevation on the stairs at the northeast corner of the warehouse building is 438.5 which appear incorrect given the other spot shots are in the 200 range.

Note that upon submission of revised documents including a full SWPPP, further stormwater review and comment may be provided.

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

1. An updated review shall be completed by the New York State Department of Transportations and any required permits obtained. The comments in the January 5, 2015 letter must be met.
2. An updated review must be completed by the Rockland County Drainage Agency, and all required permits must also be obtained. The comments and conditions in the March 9, 2015 and July 20, 2015 letters must be met.
3. The comments and conditions in the November 9, 2015 letter from the Rockland County Department of Health must be met.
4. An updated review must be completed by the Rockland County Office of Fire and Emergency Services.
5. It still has not been clarified by the Town if the parking requirement of one space per two employees or 300 square feet of gross floor area needs to be provided for the larger of the two requirements. There is a great deal of discrepancy between having two parking spaces for the number of employees, and the number of parking spaces being dependent on the gross square feet of the floor area, which would require 334 parking spaces. This must be better defined in the zoning ordinance.
*The Board found that the parking requirements of the Town Code were met and that the proposed parking is acceptable.

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Continuation of Condition #23...

6. The connection of Road "B" with Road "C" is still oddly configured. It is not clear why these segments do not connect with each loop at the proposed property line. A vehicle, especially a truck, traveling from Road "C" to Road "B" could not make the turn if it wanted to travel to the west side of Road "B", nor could it make the turn onto Road "B" further south. A better designed road connection shall be provided that allows turning movements viable from all roads to each other.
*The Board noted that this comment referred to a previous plan and that the current road connections as shown on the plan satisfy this comment and the internal roads as configured are acceptable.
7. Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages and County with an adequate supply of water. A letter from the public water supplier, stamped and sealed by a NYS licensed professional engineer, shall be issued to the municipality for this project, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.
8. 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 Guidelines for Urban Erosion and Sediment Control.
9. All proposed identification signage must be shown on the Site Plan, and conform to the Town of Orangetown standards.

24. The Rockland County Department of Health (RCDOH) reviewed the plans and provided the following comments:

- A Transportation Corporation must be formed in accordance to Article 10, "Sewage-Works Corporations" of the New York State Transportation Corporation Law. A detailed review will be conducted when the formal application is made to RCDOH.
- Application is to be made to the RCDOH for a water main extension. This application is to be made through United Water New York.
- Separate application is to be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito Code Contact Brian Hunderfurd at RCDOH to coordinate.

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25. The New York State Department of Transportation (NYSDOT) offered the following comments:

1. The proposed widening of Hillside Avenue between State Route 304 and the access drive to the site does not appear to have been detailed on the most recent plan revision. NYSDOT will need to review these details and a State Highway Work permit will be required for any work within the State Right of Way at the intersection in include any traffic control measures for the work zone.
2. The installation of the water main and sewer force main within the State Right of way will also require State Highway Work permits in addition to the Use & Occupancy permit.
Contact Permit Engineer Joseph Taylor at 845-634-1892 for any questions.

26. The Bureau of Fire Prevention, Town of Orangetown had the following comments:

The most recent site plan dated received on April 22, 2016, last revision date of April 20, 2016, prepared by Brooker Engineering has all of our requirements on it as we asked for i.e.: hydrants, 26' wide access road and complete Fire Sprinklers.

- Drawing 1: Layout Plan; dated August 29, 2007, revised April 20, 2016
- Drawing 15: Fire Service and Access Plan, dated January 12, 2016, revised April 20, 2016

27. Orange and Rockland Utilities (O&R) has an easement or right of way (easement) adjacent to the property located at the above caption address (Hillside Commercial Park, West Nyack to Haring R/W – T/L 701 & Burns to Haring R/W – T/L 702). In response to your request, O&R has reviewed the submitted drawings to determine whether the construction adjacent to the easement area will unreasonably interfere with O&R's easement. Provided that you agree to, and at all times comply with, the following terms and conditions, O&R acknowledges that such use will not unreasonably interfere with O&R's:

- No modifications are to be made within our transmission right of way without O&R's prior consent.
- Stockpiling of soil or construction materials within the easement area is prohibited.
- As required by state law, you must call 811, "Call Before you Dig", Five (5) working days before you or contractor break ground.

Please note that before any work or improvements being performed in O&R's easement area at any time, a work plan prepared in accordance with Orange and Rockland's Work Plan Template must be submitted to O&R for its prior review and comments. Also please note that a variance or any other governmental approval does not constitute approval by O&R. Contact Eric Grumm with any questions at 845-577-2838.

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28. On March 30, 2015, the New York District of the U.S. Army Corps of Engineers received a request for Department of Army authorization for the discharge of fill material into waters of the United States in association with the construction of a development to be known as the Hillside Commercial Park. The site is in the Hackensack River watershed, located on Hillside Avenue in the Town of Orangetown, Rockland County, New York. The submittal entitled "Hillside Commercial Park Town of Orangetown Rockland County, New York – Layout Plan", prepared by Brooker Engineering PLLC, dated August 29, 2007, and last revised January 12, 2016, indicates that the total impacts to waters of the United States would involve the discharge of fill material into a maximum of 0.086 acres of wetlands. Based on the information submitted to this office, and accomplishment of notification in accordance with the applicable federal requirements, out our review of the project indicates that an individual permit is not required. It appears that the activities within the jurisdiction of this office could be accomplished under Department of the Army Nationwide General Permit Number 39. The nationwide permits are prescribed as a Reissuance of Nationwide Permits in the Federal Register dated February 21, 2012 (77 FR 10184). The work may be performed without further authorization from this office provided the activity complies with the permit conditions listed in Section B, No. 39, Section C, any applicable New York District regional conditions, the following special condition, and any applicable regional conditions added by the State of New York, copies enclosed.

Special Condition:

(A) In order to protect the Federally-listed endangered Indiana bat (*Myotis sodalis*) and the Federally listed threatened northern long-eared bat (*Myotis septentrionalis*), the clearing of potential roosting trees shall occur only between October 1 and March 31. Orange construction fencing shall be used to separate areas to be graded from areas to be left undisturbed. Artificial dyes, coloring, insecticide or algacide, such as copper sulfate, shall not be used in stormwater control structures.

This determination covers only the work described in the submitted material. Any major changes in the project may require additional authorizations from the New York district.

Care should be taken so that construction materials, including debris, do not enter any waterway to become drift or pollution hazards. You are to contact the appropriate state and local government officials to ensure that the subject work is performed in compliance with their requirements.

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Please note that this nationwide permit (NWP) verification is based on a preliminary jurisdictional determination (JD). A preliminary JD is not appealable. If you wish, prior to commencement of the authorized work you may request and approved JD, which may be appealed, by contacting the New York District, U.S. Army Corps of Engineers for further instruction. To assist you in this decision and address any questions you may have on the differences between preliminary and approved jurisdictional determinations, please review U.S. Army Corps of Engineers Regulatory Guidance Letter No. 08-02, which can be found at: <http://www.usace.army.mil/Portals/2/doc/civilworks/RGL/rq/08-02.pdf>.

This verification is valid until March 18, 2017, unless the nationwide permit is modified, reissued, or revoked. This verification will remain valid until March 18, 2017, if the activity complies with the terms of any subsequent modifications of nationwide permit authorization. If the nationwide permits are suspended, revoked, or modified in such a way that the activity would no longer comply with the terms and conditions of a nationwide permit, and the proposed activity has commenced, or is under contract to commence, the permittee shall have 12 months from the date of such action to complete the activity.

Within 30 days of the completion of the activity authorized by this permit and any mitigation required by this permit, you are to sign and submit the attached compliance certification form to the New York District of the U.S. Army Corps of Engineers.

29. The Rockland County Drainage Agency reviewed the submitted plans and information and offered the following comments. Please note that once the routine documents called for in Comments #3 through #6 noted below are received and approved, the engineer's estimate for drainage work is received and approved as called for in Comment #7, and a satisfactory bond is received by the RCDA, the permit will be issued.

1. The comment response 1 indicates that the conveyance systems from rooftop areas in sub-areas N1 & S1 are designed for the maximum rainfall intensity of 2.65 inch/hour when the maximum 100 year storm intensity is 9.0 inch/hour. However, it further states that the building roof areas will be pitched towards east so that all roof overflow runoff would be conveyed into the eastern parking areas and then to the proposed underground stormwater management systems. In

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addition, "Drawing No. 3 shows labels on the building that read "Roof top shall be designed so that entire roof drain and discharges to the east". The RCDA noted that the proposal for the roof areas of the proposed building to be sloped toward east will allow all overflow from roof areas to enter eastern parking areas and then to the underground stormwater management system as presented in the calculations submitted, and therefore, the requirements for all roof areas to be pitched towards east would be a condition of the permit, when issued.

2. The RCDA noted that the existing peak discharge of 68.51 cfs indicated in the "Summary Table 1" of the "Drainage Analysis" report, was based on the HEC-1 output for 13/8 acre "Sub1 area, which includes the wetlands, but did not include the required ponding/reservoir adjustment factor to correctly model the existing peak rate due to the onsite wetland. With typical ponding adjustment factor for more than 5% swamp/ponding area and a Tc of 0.24 hour would result an existing peak flow rate of 47.06 cfs. Therefore, contrary to the 19.03 cfs decrease in 100-year developed condition peak flow indicated in Table 1, the proposed development in "Sub1 area will have an increase in the peak flow rate of 2.42 cfs at the southwesterly corner of the site. However, the proposed infiltration systems have adequate capacity to mitigate the overall increase in the rate of stormwater runoff and any reduction in stormwater runoff and any reduction in stormwater storage resulting from the proposed site development.

3. The comment response 19 indicates that the filed instrument ID number 2010-00035246 will be updated, disclaimed or supplemented as necessary. As previously stated, the maintenance responsibility for the proposed stormwater management facilities must be vested with a responsible authority by means of a legally binding and enforceable mechanism such as a maintenance agreement, deed covenant or other legal measure that include a maintenance plan as specified in Section 3.5 of the NYSSMDM. Upon execution, please provide documentation assigning the future obligation to current or future holders of title regarding the integrity, protection and maintenance of the specific stormwater management facilities such as proposed infiltration systems, vegetated swale, and stormwater detention systems in sub-areas N3 & S4 or any other proposed systems that will ensure necessary and proper functioning, maintenance and notice to future holders of the property, as previously requested.

4. Please provide a copy of the "Floodplain Development Permit" for construction in the Special Flood Hazard Area (SFHA) of the Muddy Creek floodplain with the certification issued by the Floodplain Administrator for the Town of Orangetown indicating that the current project proposal is in compliance with Chapter 14B, "Flood Damage Prevention", Town of Orangetown town Code, as adopted by the Town of Orangetown and Federal Emergency Management Agency (FEME), as previously requested.

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5. Please provide a copy of the "MS4 SWPPP Acceptance" form, revised January 2015, signed by the Executive Officer or ranking elected official or by a duly authorized representative of that person from the Town of Orangetown, as previously requested.

6. As previously requested, please provide a copy of the acknowledgement letter from the New York State Department of Environmental Conservation indicating that the applicant has filed its Notice of Intent that includes a "SWPPP Preparer Certification Statement" for Stormwater Compliance.

7. Please have your Engineer provide the RCDA with an estimate of the cost of construction for the proposed stormwater management facilities and soil erosion and sediment control measures for the required performance bond. As indicted in the Rockland County Stream Control Act Permit Application rules and regulations, a performance bond for the proper performance of all work affection County streams is required.

30. 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.

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

32. 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.

33. TREE PROTECTION: The following note shall be placed on the site plan: The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:
a. No construction equipment shall be parked under the tree canopy.
b. There will be no excavation or stockpiling of earth underneath the trees.
c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.

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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.

34. 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.

35. 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.

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

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

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

39. 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

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

41. The Site Plan shall be signed and sealed by both a Professional Land Surveyor and a Professional Engineer.

The foregoing Resolution was made and moved by Thomas Warren and seconded by William Young and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, recused; William Young, aye; Stephen Sweeney, absent; Robert Dell, nay and Thomas Warren, 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: April 27, 2016

Cheryl Coopersmith

Chief Clerk Boards and Commissions



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