

**Meeting of May 11, 2016
Town of Orangetown Planning Board**

MEMBERS PRESENT: Kevin Garvey, Chairman; Bruce Bond, Vice Chairman
Michael Mandel; Robert Dell; Stephen Sweeney; Thomas Warren and
William Young

MEMBER ABSENT: None

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

Kevin Garvey, Chairman, called the meeting to order at 7:30 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:

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| SMK-Erie Subdivision Recommendation to the Town Board to Release the Performance Bond 89 West Erie Street Blauvelt 70.13/1/21; R-15 zoning district | Recommended to Town Board for Release | PB #16-16 |
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| Sisters of St. Dominic of Blauvelt Subdivision Plan Final Subdivision Plan Review 496 Western Highway, Blauvelt 74.06/3/1.1 & 1.3; R-40 zoning district | Final Subdivision Plan Approval Subject to Conditions | PB #16-21 |
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| New York City Football Club Site Plan Prepreliminary/ Preliminary Site Plan and SEQR Review Old Orangeburg Road, Orangeburg 73.12/1/3.2; RPC-R zoning district | Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec. | PB #16-22 |
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| Advanced Distribution Systems Site Plan Prepreliminary/ Preliminary/ Final Site Plan and SEQR Review 614 Route 304, Blauvelt Route 303 Overlay Zone 70.06/1/2; LIO zoning district | Final Site Plan Approval/ Neg. Dec. | PB #16-23 |
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| J & M North Corp. Site Plan Prepreliminary/ Preliminary/ Final Site Plan, Internal Commercial Subdivision Plan and SEQR Review 327 North Middletown Road, Pearl River 68.08/1/4; CO zoning district | CONTINUED: Revise Plans | PB #16-24 |
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155 Corporate Drive Building Expansion and Parking Lot Addition Site Plan
Prepreliminary/ Preliminary Site Plan and SEQR Review
155 Corporate Drive, Orangeburg
73.15/1/18 & 73.19/1/1; LIO zoning district

PB #16-25
Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Orangetown Commerce Center Site Plan
Prepreliminary/ Preliminary Site Plan and SEQR Review
5 Greenbush Road, Orangeburg
74.15/1/ 2; LI zoning district;

PB #16-26
Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Orangetown Commerce Center
Internal Commercial Subdivision Plan
Prepreliminary/ Preliminary/ Final Plan and SEQR Review
5 Greenbush Road, Orangeburg
74.15/1/ 2; LI zoning district

PB #16-27
Preliminary Internal Commercial Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

Other Business: The Planning Board reviewed and provided consent to the Town of Orangetown Town Board to be Lead Agency for acquisition, funding and improvement of property; Homes for Heroes Green Innovation Project under SEQRA and Related Actions.

The decisions of the April 13, 2016 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel and seconded by Bruce Bond and carried as follows: Kevin Garvey, Chairman, absent; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye, William Young, aye; Robert Dell, aye; Stephen Sweeney, aye and Thomas Warren, aye.

The meeting Planning Board Meeting of April 27, 2016 was reviewed, edited, and approved. The motion for adoption was made and moved by Bruce Bond and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; William Young, aye; Thomas Warren, aye, Robert Dell, abstain; Stephen Sweeney, abstain and Michael Mandel, abstain.

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 Stephen Sweeney and agreed to by all in attendance. The meeting was adjourned at 10:00 p.m. The next Planning Board meeting is scheduled for May 25, 2016.

DATED: May 11, 2016
Cheryl Coopersmith
Chief Clerk Boards and Commissions

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PB #16-16: SMK-Erie Subdivision Plan: Recommendation to the Town Board to Release the Performance Bond

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TO: Sean Keenan, SMK Homes, 24 Waters Edge, Congers, New York
FROM: Town of Orangetown Planning Board

RE: SMK-Erie Subdivision Plan: The application of Sean Keenan, owner, for a Recommendation to the Town Board to Release the Performance Bond for the subdivision known as "**SMK-Erie Subdivision Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 86 West Erie Street, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax as Section 70.13, Block 1, Lot 21 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 11, 2016**, at which time the Board made the following determinations:

The Board received the following communications:

1. Project Review Committee Report dated May 4 & April 6, 2016.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated May 11 & April 13, 2016.
3. An interdepartmental memorandum recommending release of the Performance Bond from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by James Dean, Superintendent of Highways dated May 11, 2016 and Joseph Moran, Commissioner, dated April 7, 2016.
4. An Interdepartmental memorandum recommending the Dedication of the Road/ R.O.W. from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by James Dean, Superintendent of Highways dated January 27, 2016 and Joseph Moran, Commissioner, dated January 26, 2016.
5. A copy of Town Board Resolution #118, February 9, 2016, Acceptance of the Dedication of the Public Improvements SMK-Erie Subdivision.
6. An Email from Kean Keenan, SMK Home Builders, dated March 3, 2016.
7. Copy of PB #15-07, Recommendation to the Town Board to Amend Value and Term of the Performance Bond, dated January 28, 2015 and PB #14-15, Recommendation to the Town Board to Establish the Value and Term of the Performance Bond, dated February 26, 2014.

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8. An Interdepartmental memorandum from the Highway Department, Town of Orangetown, signed by James Dean, Superintendent of Highways, March 10, 2016.

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

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 Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; William Young, aye; Robert Dell, aye, Michael Mandel, aye, Stephen Sweeney, aye and Thomas Warren, 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: May 11, 2016
Cheryl Coopersmith
Chief Clerk Boards and Commissions



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PB#16-21: Sisters of Saint Dominic of Blauvelt Subdivision Plan – Final Subdivision Plan Approval Subject to Conditions

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TO: Michael Dempsey, Sisters of Saint Dominic of Blauvelt, 470
Western Highway, Orangeburg, New York 10962

FROM: Orangetown Planning Board

RE: Sisters of Saint Dominic of Blauvelt Subdivision Plan: The application of Dominican Sisters of Blauvelt, owner, for Final Subdivision Plan Review, at a site to be known as “**Sisters of Saint Dominic of Blauvelt Subdivision Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 496 Western Highway, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.06, Block 3, Lots 1.1 & 1.3 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 11, 2016**, the Board made the following determinations:

Brian Quinn, Michael Dempsey, and Sister Catherine Sullivan appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated May 4, 2016.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated May 11, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 5, 2016.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated April 21, 2016.
5. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 28, 2016.
6. Subdivision Plan prepared by Corless and Associates, dated October 1, 2015, last revised on March 17, 2016.
7. Copies of the following Board Decisions: ACABOR #16-11, Approved Subject to Conditions, dated February 18, 2016, ZBA #16-02, Rear Yard Variance for Lot #1- approved, dated January 6, 2016 and PB #15-55, Preliminary Subdivision Plan Approval Subject to Conditions, Neg. Dec, dated November 9, 2016.

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

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

1. The following note shall be placed on the Subdivision Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
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 shall comply with all pertinent and applicable prior Board Decisions: ACABOR #16-11, Approved Subject to Conditions, dated February 18, 2016, ZBA #16-02, Rear Yard Variance for Lot #1- approved, dated January 6, 2016 and PB #15-55, Preliminary Subdivision Plan Approval Subject to Conditions, Neg. Dec, dated November 9, 2016.

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

- As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
- As indicated in the November 9, 2015 letter from the County of Rockland Department of Highways, if any construction is proposed on any of the lots, then a Rockland County Subdivision Permit will be required prior to the start of the construction.
- The tax map information under the Tax Map Reference on the map is incorrectly listed as Section 74.06, Block 3, Lots 11 and 1.3. Lot 11 must be changed to 1.1.

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

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

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

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

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

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Continuation of Condition #8....

- 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.

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

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

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

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12. 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).

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

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

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

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

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

Dated: May 11, 2016
Cheryl Coopersmith
Chief Clerk Boards and Commissions



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PB#16-22: New York City Football Club Site Plan - Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

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TO: Tony Lynn, Director, Infrastructure Services, Manchester City Football Club, 600 3rd Avenue, New York, New York 10016
FROM: Orangetown Planning Board

RE: New York City Football Club Site Plan: The application of Tony Lynn; Manchester City Football Club, applicant, for Orangeburg Acquisition Co. LLC, owner, for Prepreliminary/ Preliminary Site Plan Review at a site to be known as "**New York City Football Club 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 200 Old Orangeburg Road/Covent Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.12, Block 1, Lot 3.2 in the RPC-R zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 11, 2016**, the Board made the following determinations:

Brian Quinn, Justin Seeney, Chris Robbins and Bruce DePaola appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated May 4, 2016.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated May 11, 2016 and Amendment May 11, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 6 2016.
4. A letter from Maser Consulting, signed by Jesse B. Cokeley, P.E., dated April 28, 2016.
5. Letters from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated April 29, 2016.
6. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated April 11 & 13, 2016.
7. A letter from Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated April 27, 2016.
8. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer I, dated April 11, 2016.
9. An Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated May 3, 2016.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chairman, dated April 20, 2016.

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11. A Full Environmental Assessment Form, dated April 6, 2016, amended April 28, 2016.
12. Preliminary Stormwater Management Report prepared by AKRF Engineering, dated April 6, 2016.
13. Survey of Property prepared for Orangeburg Acquisition Co. LLC, by Insite Engineering, Surveying & Landscape Architecture, dated February 25, 2016, revised March 18, 2016.
14. Site Plans prepared by AKRF Engineering, P.E., dated April 6, 2015:
 - 1 of 6: Title Sheet
 - 2 of 6: Existing Conditions Plan
 - 3 of 6: Tree Removal Plan
 - 4 of 6: Site Geometry and Paving Plan
 - 5 of 6: Grading, Drainage & Utility Plan
 - 6 of 6: Erosion & Sediment Control Plan
 - C9: Soil Erosion & Sediment Control Details
15. Permit Referral dated April 1, 2016, signed by Glen Maier, Building Inspector.

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

There being no one from the Public, a motion was made to close the Public Hearing portion of the meeting by Michael Mandel and seconded by Bruce Bond and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye 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 Bruce Bond and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye 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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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 AKRF Engineering, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District No.1, Rockland County Department of Health, Rockland County Drainage Agency, Rockland County Department of Planning and having reviewed proposed Site Plan by prepared by AKRF Engineering, a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The Full Environmental Assessment Form was amended on April 28, 2016 and now appears in order.
4. The setbacks of the two proposed signs along the road right of way shall be shown on the Site Plan. Please note the "Additional Use Regulations" allow one freestanding sign per building not to exceed 50 square feet. All signs are subject to review and approval by the Planning Board and any other applicable land use Board. (Table of General Use Regulations Section 3.11, RPC-R District, Column 7, Item 2).
5. A minimum of 2 loading berths are required and zero are provided. (Table of General Use Regulations, Column 5, "Accessory Uses", Item #1).
6. The Site Development Plan shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review (ACABOR).
7. A Landscaping Plan shall be submitted for review and approval by the Town of Orangetown Architecture and Community Appearance Board of Review.

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8. The 10 foot high walls facing Old Orangeburg Road shall be adequately landscaped.
9. The entrances(s) to the Training Facility shall be shown on the Site Plan.
10. Any large areas of trees to be saved shall be dimension out on the Site Plan. The applicant shall restudy the southerly side of the property with the objective to save as many trees as possible.
11. If the well on site is usable, the applicant shall determine if it would be used for irrigation of the property.
12. The applicant shall make every effort to be environmental friendly in its use and maintenance of the site.
13. The drainage calculations are currently under review by DEME.
14. The Stormwater Pollution Prevention Plan is under review by DEME. The review will be sent to the applicant's engineer under separate cover. However, the plans and SWPPP shall show and address how the required 25 foot buffer from the maximum water surface elevation shall be achieved.
15. The driveway entrances off of Old Orangeburg Road shall be reduced in size to be a maximum of 20 feet wide and 25 feet wide at the intersection with Old Orangeburg Road.
16. The size, length, slope and material of the proposed sanitary sewer building connection piping shall be given on the Plans.
17. Profiles for the proposed sanitary building connections shall be added to the plans.
18. The existing 8 inch PVC sanitary sewer main that enters the property at the southeast corner of the lot shall be shown in it's entirety as it runs through the lot. Also, the easement, including page and liber/instrument number, metes and bounds and ownership for this main, shall be given on the plans.
19. Details for the proposed sanitary system/ facilities (piping, connections, manholes, manhole frame and cover, top and invert elevations, etc.) shall be added to the plans.

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20. All proposed grading and or spot elevations shall be shown for the driveways, parking area, maintenance area, etc. to indicate how stormwater runoff will enter the stormwater system.

21. The size, length, slope and material of the proposed storm sewer piping shall be given on the plans.

22. Profiles for all the proposed stormwater piping shall be added to the plans.

23. Details for the stormwater system/ facilities (piping, catch basins, outlet structures, rip rap exhaust features, top and invert elevations, headwalls with elevations, etc.) shall be added to the plans.

24. Cross sections through the proposed bioretention and detention basin shall be added to the plans, showing various design year storm elevations, flow path, berm elevations, outlet structure and piping elevations, outlet structure trash rack, pond drain, emergency spillway elevations, aquatic bench, pond side slopes not to exceed 3:1 – H:V, fixed vertical sediment depth marker, safety bench with elevations, etc.)

25. Access to and around (12 foot wide minimum) both the bioretention basin and the detention basin shall be provided and shown on the plans.

26. It appears as though the exhaust from the proposed detention basin is being directed onto the neighboring Town of Orangetown property. The applicant's engineer shall indicate on the drawings and in the SWPPP as to whether this is exhaust is being directed into an existing stream/swale/ditch or just as overland flow. If there is not existing stream/swale/ditch, the applicant's engineer shall design a method to "disperse" any overflow or exhaust that exits the proposed basin, without creating drainage issues on the Town property.

27. The total area of disturbance shall be given on the plans, preferably on the soil erosion and sediment control plan.)

28. Truck wash down area (a) shall be shown on the soil erosion and sediment control drawing. A detail for same shall also be provided with the SESC details.

29. The plans shall show and detail how the proposed regrading around the site shall be maintained during and after construction (i.e. erosion control measures such as rolled erosion control practices, plantings, etc.)

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30. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to DEME and the Town of Orangetown Town Attorney's office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc.

31. Legends shall be added to all of the plans.

32. Typical details shall be included with the drawings, i.e., pavement, concrete pavement, curbing, etc.

33. The iron pins shall be labeled at all of the property corners on the plans. If they are currently not installed, they shall be labeled as "to be installed."

34. Drainage Review Recommendation: The proposed stormwater management plan meets the intent of the regulation and the Drainage Consultant to the Planning Board therefore recommends that the New York City Football Club Site Plan be approved for drainage subject to the subject to the following comments.

Project Comments TO THE DRAINAGE DESIGN:

- (1)** A Full Stormwater Pollution Prevention Plan (SWPPP) needs to be submitted for review prior to the Planning Board Final approval. This will include a Notice of Intent, various owner/preparer/contractor certification, spill prevention, Operation & Maintenance Manual, construction sequencing and erosion control discussion.
- (2)** The current design does not provide 100% Runoff Reduction through Green Infrastructure Techniques and therefore the SWPPP also needs to include a discussion about why it cannot be met. This shall include a breakdown of each practice that is not used and why being implemented on-site. Please note, the diversion swale proposed on the west end of the improvements appears to be an opportunity to implement a vegetated swale which would help increase the Runoff Reduction provided.
- (3)** Section 2.0 and 3.0 of the Report appear to mix-up the appendix references. Please revise for consistency.
- (4)** The rainfall depths provided in table 2 of the report do no match the Figures provide in the New York State Stormwater Management Design Manual (NYSSMDM) prepared by NYSDEC but they appear to be accurate since they are based on specific project location. Unless DEME objects, the Drainage Consultant finds no issue with these rainfall depths.

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Continuation of Condition #34.....

- (5) While the Drainage Consultant recognizes the claim made in the report that the proposed improvements will all drain to an existing low spot/swale at the north end of the property, the southeast corner of the property drains to the east in an apparent roadside ditch under existing conditions. Since this corner of the property is proposed to be developed, it needs to be included in the existing conditions that are studied. The Developed Conditions Drainage Area Map includes a large portion of the site that is not included in the Existing Conditions Drainage Area Map. The entire property and all design points shall be studied.
- (6) The sheet shown on the existing conditions map shall be limited to 100 feet.
- (7) The existing topography indicates that a large depression occurs in the middle of the site. The Report states that the depression inundates 6-feet before cresting and discharging off-site. While there is no evidence of any current or past water or any conveyance, this depression does provide available storage in the existing condition that needs to be taken into account when calculating peak flow rates.
- (8) While each individual Soil Type does not need to be shown on the Drainage Area Maps, the boundaries between the different Hydrologic Soil Groups shall be included.
- (9) The bioretention worksheet included in Appendix C needs to be modified to remove the 1.0 inch per hour infiltration rate as this basin will be designed with underdrains. If a percolation rate is being assumed, a different Green Infrastructure worksheet shall be used.

(10) Project Comments TO THE SITE PLANS:

- (1) Grading plan needs additional elevation information including spot shots in the parking lots, concrete walkways, throughout the athletic field, etc. Not enough information is provided to determine if adequate slope is provided for overland flow.
- (2) Similarly, the drainage inlets and pipes need elevation information to be reviewed.

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Continuation of Condition #34.....

- (3) The proposed drainage swale on the west side of the training facility building is not currently graded as a swale.
- (4) Please provide maintenance access for both the detention basin and bioretention area.
- (5) Please provide sizing calculations for the rip-rap outlet protection proposed in and out of the basins.
- (6) The berm on the downhill (north) side of the detention basin is too narrow at the top. It needs to be at least 10' wide and shall have an emergency spillway in the event the outlet control structure is blocked or a storm event in excess of the 100-year event occurs.
- (7) Please provide details for drain inlets, drain pipe trenching, roof leaders, perforated underdrain, outlet protection, outlet control structures, emergency spillway, detention basin cross section, bioretention cross section and any other drainage related items that are proposed on site.
- (8) The overall erosion and sediment control plan is acceptable in concept. However, as the total disturbance is over 5 acre, a phasing plan will be required unless the applicant is seeding a waiver from the 5-acre disturbance limit.
- (9) Please provide details for the construction entrances, stockpiles, inlet filters, sediment basin outlet control structure, silt fence and any other silt fence measures proposed on site.

35. 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 Department of Highways. A review of the traffic assessment report must be done to ensure that they are in agreement with the determination. Work and hauling permits must be obtained.
- The comments and conditions in the Rockland County Department of Health letter dated April 13, 2016 must be met.
- A review shall be completed by the Rockland County Drainage Agency and any raised comments or concerns addressed.

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Continuation of Condition #35....

- A review shall be completed by the United States Army Corps of Engineers and any required permits obtained.
- Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- A landscaping plan shall be submitted for review to Rockland County Department of Planning.
- A lighting plan shall be submitted for review. No lighting shall shine beyond the property line.

36. The Rockland County Health Department (RCDOH) reviewed the information provided and offered the following comments:

- The RCDOH must approve plans for the sewage disposal per Article IV, Section 4.2.1 of the Rockland County Sanitary Code. Formal application is to be made.
- The existing well is to be decommissioned in accordance with Article II of the Rockland County Sanitary Code.
- If a well is to be utilized for the irrigation system, a permit is to be obtained.
- Application is to be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito Code.

37. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is not required based upon its review of the information provided.

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

39. The Town of Orangetown Bureau of Fire Prevention reviewed the plan and offered the following comments in regard to an approximately 34,000 square foot building with practice field: Please place these items as notes on the Site Plan.

- Install an NFPA 13 compliant sprinkler system, with proposed drawings submitted to the Bureau of Fire Prevention for approval before work starts.
- Install and maintain an NFPA 72 compliant Fire Alarm System, with proposed drawings submitted to the Bureau of Fire Prevention for approval before work starts. Connected to Rockland County 44- Control, with Red and Amber Strobes as per Orangetown Code.
- Install and maintain Portable Fire Extinguishers as required by NFPA 10.
- Emergency Lighting as per NFPA 10.
- Install Key Box, Application from the Bureau of Fire Prevention.
- Minimum 26' access for Fire and Emergency Vehicles as per Appendix FD of the Fire Code.
- Apply for and maintain Certificate of Compliance Fire Safety with the Bureau of Fire Prevention.

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

- Town of Orangetown Zoning Board of Appeals
- Rockland County Sewer District No. 1
- Rockland County Department of Health
- Rockland County Drainage Agency
- Rockland County Department of Planning

41. 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.

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

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43. 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.

44. 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.

45. 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.

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

47. 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).

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

49. 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

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

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

The foregoing Resolution was made and moved by Thomas Warren and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel aye; William Young, aye; Stephen Sweeney, aye; Robert Dell, aye 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: May 11, 2016
Cheryl Coopersmith
Chief Clerk Boards and Commissions
attachment**



TOWN CLERKS OFFICE
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TOWN OF ORANGETOWN

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

**PB#16-22: New York City Football Club Site Plan - Preliminary Site Plan
Approval Subject to Conditions/ Neg. Dec.**

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: New York City Football Club Site Plan - Preliminary Site
Plan Approval Subject to Conditions/ Neg. Dec.**

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 200 Old Orangeburg Road/Covent Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.12, Block 1, Lot 3.2 in the RPC-R zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

John Giardiello, P.E., Director, 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#16-23: Advanced Distribution Systems Site Plan: Final Site Plan/ Neg. Dec.

Town of Orangetown Planning Board Decision

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TO: Andrew Hart, 28 East Main Street, 200 First Federal Plaza, C/o Bergmann Associates, Rochester, NY 14614

FROM: Orangetown Planning Board

RE: Advanced Distribution Systems Site Plan: The application of Xerox Corporation, applicant for Theodore Boccuzi, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review for reclassification of two existing storage sheds from temporary to permanent structures, at a site known as "**Advanced Distribution Systems 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 in the Route 303 Overlay Zone, at 614 Route 303, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.06, Block 1, Lot 2 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 11, 2016**, the Board made the following determinations:

Jim Marschner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated May 4, 2016.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated May 11, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 5, 2016.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated April 19, 2016.
5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated May 5, 2016.
6. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 24 & 23, 2016.
7. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer I, dated April 7, 2016.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chairman, dated April 20, 2016.

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9. A Short Environmental Assessment Form, signed by Elliott Duffney, dated March 16, 2016.
10. Site Plan prepared by James Charles Basile, P.E., Bergmann Associates, dated December 23, 2015. Jay Greenwell, PLS:
11. Land Survey prepared by Bergmann Associates dated July 1, 2015.
Site Plan dated December 14, 2015
Detail Sheet dated February 4, 2016
12. Building Permit Referral dated September 23, 2015, signed by Michael Manzare, Building Inspector.

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

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

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 Bergmann Associates and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested

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agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District No.1, Rockland County Department of Health, and having reviewed proposed Site Plan by prepared by Bergmann Associates, a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

On motion by Thomas Warren and seconded by Bruce Bond and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye 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 a Final Site Plan Approval.**

The foregoing Resolution was made and moved by Thomas Warren and seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel aye; William Young, aye; Stephen Sweeney, aye; Robert Dell, aye 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: May 11, 2016
Cheryl Coopersmith
Chief Clerk Boards and Commissions
attachment



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TOWN OF ORANGETOWN

**NEGATIVE DECLARATION
Notice of Determination of Non-Significance
Town of Orangetown Planning Board Decision**

**PB#16-22: Advanced Distribution Systems Site Plan: Final Site Plan
Approval/ Neg. Dec.
May 11, 2016**

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: Advanced Distribution Systems Site Plan: Final Site Plan Approval/ Neg. Dec.

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

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located in the Route 303 Overlay Zone, at 614 Route 303, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.06, Block 1, Lot 2 in the LIO zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN

PB#16-25: 155 Corporate Drive Building Expansion and Parking Lot Addition Site Plan - Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
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TO: Douglas Bartels, P.E., c/o Russo Development, 570 Commerce Blvd, Carlstadt, New Jersey 07072
FROM: Orangetown Planning Board

RE: 155 Corporate Drive Building Expansion and Parking Lot Addition Site Plan: The application of 155 Corporate Drive, LLC, owner, for Prepreliminary/ Preliminary Site Plan Review, at a site known as “**155 Corporate Drive Building Expansion and Parking Lot Addition 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 155 Corporate Drive, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.15, Block 1, Lot 18 and Section 73.19, Block 1, Lot 1 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 11, 2016**, the Board made the following determinations:

Douglas Bartels and Daniel Steinhagen appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated May 4, 2016.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated May 11, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 6 2016.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated May 11, 2016.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated April 14, 2016.
6. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 23, 2016.
7. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer I, dated April 6, 2016.
8. An Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated May 2, 2016.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chairman, dated April 6, 2016.
10. Letters from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, signed by Jean McAvoy, dated April 5, 2016.

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TOWN OF ORANGETOWN

**PB#16-25: 155 Corporate Drive Building Expansion and Parking Lot
Addition Site Plan - Preliminary Site Plan Approval Subject to Conditions/
Neg. Dec.**

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11. A Short Environmental Assessment Form, signed by Michael Pembroke, Manager, dated March 15, 2016.
12. Stormwater Pollution Prevention Plan prepared by Russo Development, LLC, dated March 14, 2016.
13. Project Narrative, prepared by Russo Development, LLC.
14. Copies of the following Board Decisions: PB #13-19, Final Site Plan Approval Subject to Conditions, dated May 22, 2013.
15. Site Plan prepared by Russo Development, LLC, dated March 14, 2016:
 - C1: Title Sheet
 - C2: Existing Conditions Plan
 - C3: Phase 1 Site Plan
 - C3.1: Phase 2 Site Plan
 - C4: Grading, Drainage & Utility Plan
 - C5: Construction Details
 - C6: Landscaping Plan
 - C7: Lighting Plan
 - C8: Soil Erosion & Sediment Control Plan
 - C9: Soil Erosion & Sediment Control Details
16. Architectural Plans prepared by arcari + iovino Architects, dated March 4, 2016:
 - A.1: Key Plan, Proposed Plan
 - A.2: Proposed Elevations
17. Building Permit Referral dated November 2, 2015, signed by Rick Oliver, Building Inspector.

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

Public Comment:

Phyllis Lieberman, 26 Corrigan Way, Old Tappan, New Jersey, raised concerns regarding the possibility of lights from the new addition shining onto the residential area. She requested information regarding the color of the addition and the possible uses of the building. Ms Lieberman noted that the neighborhood could not tolerate any more noise from the area businesses.

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

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The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Bruce Bond and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye 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.

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 Russo Development, LLC., and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District No.1, New York State Department of Environmental Conservation and having reviewed proposed Site Plan by prepared by Russo Development, LLC. 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;

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- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

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

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

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3. The applicant is proposing a two phase project. The applicant is proposing a 12,000 square foot addition to the south side of the building on Tax Lot 73.15-1-18 and a parking lot expansion on Tax Lot 73.19-1-1. The second phase is for security improvement.
4. The proposed project shall appear before the Town of Orangetown Architecture and Community Appearance Board of Review.
5. A Zoning Board of Appeals Variance needs to be sought from the Town of Orangetown Zoning Board of Appeals for Exterior Loading Berths.
6. The Environmental Assessment Form needs to be resubmitted, since the applicant used an outdated form.
7. The Drainage calculations that are currently under review by DEME.
8. The Storm Water Pollution Prevention Plan is under review by DEME. However, the drainage calculations and the SWPPP need to adhere to the current NYSDEC Stormwater Management Design Manual (January 2015). For example, the 100 yr. design storm is now \pm 9.2 inches, not 7.4 inches.
9. The total area of disturbance shall be given on the plans, preferably on the Soil Erosion and Sediment Control Plan.
10. The ownership of the existing sanitary sewer easement at the north end of the proposed parking lot expansion shall be given on the plans.
11. The proposed retaining wall along the north end of the proposed parking lot expansion shall be relocated out of the existing sanitary sewer easement.
12. The Soil Erosion and Sediment Control Plan legend shall be modified to reflect standard NYSDEC symbols for the various measures proposed.
13. Truck wash down area(s) shall be shown on the soil erosion and sediment control drawing. A detail for same shall also be provided with the SESC details.
14. **Drainage Review Recommendation:** The application has provided sufficient information to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated and therefore the Drainage Consultant to the Planning Board recommends that the 155 Corporate Drive Building Addition Site Plan be approved for drainage subject to the subject to the following comments.

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Continuation of Condition #14...

Project Description: This is the first drainage review report for this project. The property is located along the west side of Corporate Drive and has parcels on the north and south sides of the road. The parcel on the north side is an existing parking lot and the parcel on the south side contains the existing building and additional parking. The project proposed to expand the parking lot on the north parcel to add 27 spaces and to construct a 12,000 square foot building addition on the south parcel. There is an existing stormwater management basin on the south parcel that receives stormwater runoff from both areas of land disturbance; no change to the runoff pattern is proposed. The building addition is located on an existing parking lot and no increase to impervious area is proposed at this location.

Project Comments:

1. The SWPPP uses 24-hour rainfall totals from the 2010 NYSDEC design manual, which was effective at the time of the original Site Plan approval. The Town of Orangetown MS4 Compliance Officer shall make a determination if the updated 2015 NYSDEC 24 – hour rainfall totals should be used for the design of the stormwater management basin for this modified Site Plan application. It is noted that the basin provides storage of 5.6” of rainfall over the impervious area contributing to the stormwater basin (7.0 acres).

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

- The Borough of Old Tappan, New Jersey is the reason this proposal was referred to Rockland County Department of Planning for review. The municipal boundary is located directly south of the site. As required under Section 239nn of the State General Municipal Law, the Borough of Old Tappan, New Jersey must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Town of Orangetown.
- In order to ensure that the landscaping, located in the islands is not damaged by the weight of the snow or salt intrusion during snow removal, areas must be designated on the site plan for the storage of snow piles.
- Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.

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16. The Rockland County Health Department (RCDOH) reviewed the information provided and found that there are no RCDOH approvals needed for this application.

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

18. The Town of Orangetown Bureau of Fire Prevention reviewed the plan and offered the following comments.

- The Site Plan shows the driveway from Corporate Drive to the rear of the building in excess of 360 feet. The reconfiguration of the parking lot and addition have eliminated the required turn around for fire apparatus.
- Please clarify if the reconfigured entrance will have a new gate or will the existing be used; fire apparatus road gates must be a minimum of 20 feet wide. The proposed widths of the entrance/exit are not compliant with the 20 foot minimum per code.
- Provide detailed construction plans for the addition to the Bureau of Fire Prevention.
- Clarify if the turning radius for a 217 inch wheelbase fire apparatus has been maintained at the Southeast corner of the proposed addition.

19. The New York State Department of Environmental Conservation (DEC) indicated that based upon its review of the circulated documents, it appears that the project may require the following permits:

- DEC has reviewed the State's Master Habitat Databank (MHDB) records and determined that the site is located within or near record(s) of the following state-listed species **Bald eagle (*Haliaeetus leucocephalus*)**, a **New York State Threatened species**. The project is more than 660 feet from an existing Bald eagle nest, but close enough that some activities have the potential for negative impacts to Bald eagles. Activities which generate extremely loud noises, such as blasting would be of concern at this location. Landscape buffers on the western property line are recommended. For further information about potential impacts to Bald eagles at this project site, contact the DEC Bureau of Wildlife at 845-256-2257. Bald eagle nests are generally established in late February/early March. DEC recommends checking on the status of Bald eagle nests each year before undertaking construction involving potential impacts.

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Continuation of Condition #19....

- State Pollutant Discharge Elimination System Stormwater Permit (SPDES):
 - This site is within an MS4 (Municipal Separate Storm Sewer System) area.
 - It appears that this project will disturb more than one acre, requiring a SPDES Stormwater Permit. If this project qualifies for the General Permit, the stormwater plan must be reviewed and accepted by the municipality and the MS4 Acceptance Form must be submitted to DEC.
- Cultural Resources: DEC has reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that the parking expansion portion of the project is located within an area considered to be sensitive with regard to archaeological resources. Visit NYS Office of Historic Preservation website at nysparks.com/shop/online-tools.
- Other permits from DEC or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and therefore, the applicant should verify the need for permits if the project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified.

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

- Town of Orangetown Zoning Board of Appeals
- Rockland County Sewer District No. 1
- Rockland County Department of Health
- New York State Department of Environmental Conservation

21. 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.

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

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23. 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.

24. 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.

25. 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.

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

27. 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).

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

29. 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

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

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

The foregoing Resolution was made and moved by Thomas Warren and seconded by Bruce Bond and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel aye; William Young, aye; Stephen Sweeney, aye; Robert Dell, aye 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: May 11, 2016
Cheryl Coopersmith
Chief Clerk Boards and Commissions
attachment



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

**PB#16-25: 155 Corporate Drive Building Expansion and Parking Lot
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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: 155 Corporate Drive Building Expansion and Parking
Lot Addition Site Plan - Preliminary Site Plan Approval Subject to
Conditions/ Neg. Dec.**

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

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 155 Corporate Drive, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.15, Block 1, Lot 18 and Section 73.19, Block 1, Lot 1 in the LIO zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

John Giardiello, P.E., Director, 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#16-26: Orangetown Commerce Center Site Plan - Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

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TO: Geraldine Tortorella, Hocherman, Tortorella & Wekstein, 1 North Broadway, Suite 701, White Plains, NY 10601
FROM: Orangetown Planning Board

RE: Orangetown Commerce Center Site Plan: The application of BF Orangetown LLC, owner, for Prepreliminary/ Preliminary Site Plan Review at a site to be known as "**Orangetown Commerce 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 5 Greenbush Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.15, Block 1, Lot 2 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 11, 2016**, the Board made the following determinations:

Justin Lim, John Collins, Al Rossi, Noelle Wolfson and Nathaniel Burns appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated May 4, 2016.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated May 11, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 5, 2016.
4. A letter from Brooker Engineering, signed by Kenneth DeGennario, P.E., dated May 5, 2016.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated April 21, 2016.
6. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 28, 2016.
7. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated April 6, 2016.
8. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer I, dated April 7, 2016.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chairman, dated April 6, 2016.
10. An Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated May 3, 2016.
11. A letter from the New York State Department of Environmental Conservation, signed by Joseph Murray, Environmental Analyst, Division of Environmental Permits, dated March 30, 2016.

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**PB#16-26: Orangetown Commerce Center Site Plan - Preliminary Site Plan
Approval Subject to Conditions/ Neg. Dec.**

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12. A Public Notice from the New York State Department of Environmental Conservation regarding Brownfield Cleanup Program.
13. A letter from CS Railroad, signed by Derek Mihaly, Project Manager II, Public Projects, dated April 25, 2016.
14. A Full Environmental Assessment Form, signed by Alfred Rossi, Vice President, dated March 3, 2016.
15. Traffic Impact Study, prepared by Maser Consulting, dated December 8, 2016.
16. A letter from Geraldine Tortorella, Hocherman, Tortorella & Wekstein, signed by Geraldine, Tortoralla, dated March 18, 2016.
17. Site Plans prepared by Leonard Jackson Associates and Langan, dated January 15, 2016, revised March 8, 2016, unless noted:
 - Drawing 1: Title Sheet
 - Drawing 2: Layout Plan
 - Drawing 3: Grading, Drainage & Utility Plan
 - Drawing 4: Sediment and Erosion Control Plan
 - Drawing 5A: Landscaping Plan
 - Drawing 5B: Landscaping/ Lighting Notes and Details, dated February 8, 2016
 - Drawing 6: Lighting Plan
 - Drawing 7: Construction Details (1 of 3), dated January 15, 2016
 - Drawing 8: Construction Details (2 of 3), dated January 15, 2016
 - Drawing 9: Construction Details (3 of 3), dated January 15, 2016
 - Drawing 10: Storm Profiles
 - Drawing 11: Sanitary Sewer Profiles, dated January 15, 2016
 - Drawing 12: Site Cap Plan
 - Drawing 13: Boring Location Plan, dated January 15, 2016
 - Drawing 14: Demolition Plan
18. Survey of Property prepared by Jay Greenwell, PLS, dated December 18, 2014, last revision date of December 16, 2015: Sheets 1 and Sheets 2.
19. Architectural Plans prepared by Dahn & Krieger Architects Planners, dated June 25, 2015, last revised March 11, 2016, unless noted:
 - A.01: Proposed overall Floor Plan and Elevations
 - A.02: Partial Floor Plan & Partial Elevations
 - A.03: Partial Floor Plan & Partial Elevations
 - A.04: Color Elevation Rendering, last revised March 3, 2016
20. Building Permit Referral dated February 26, 2016, signed by Rick Oliver, Building Inspector.

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

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PB#16-26: Orangetown Commerce Center Site Plan - Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

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Public Comment:

Barbara Hughes, 3C Blue Hill Commons, requested that the Board consider the quality of life to the residences of the condo development. The traffic coming over the railroad tracks is substantial and the placement of a warehouse on the wooded area should not happen. The noise created from the present development on the adjacent property is a constant annoyance to the area residences.

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

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 Leonard Jackson Associates and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Drainage Agency, Rockland County Sewer District No.1, Rockland County Department of Health, New York State Department of Environmental Conservation and having reviewed proposed Site Plan by prepared by Leonard Jackson Associates, a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

TOWN CLERK'S OFFICE

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

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

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

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3. The monument signs shall be labeled as "Double Sided" or "Single Sided".
4. The Vicinity Map shall show district boundaries.
5. The required Rear Yard is 50 feet; however it may be reduced to 25 feet if it abuts a railroad right of way. (Note #10 of the "Notes to Use and Bulk Table").
6. The following variance need to be sought from the Town of Orangetown Zoning Board of Appeals:
 - The Maximum Building Height is 25 feet and 30 feet is proposed. (LI Zone District, Table of General Bulk Regulations, Column12)
7. Parking in the yards is not permitted unless approved by the Town of Orangetown Planning Board.
8. Please submit a copy of the Site Remediation Plan.
9. The Traffic Study is still under Review.
10. The Full Environmental Assessment Form needs to be amended as follows:
 - Page 2 of 13, under C.2.b. The Brownfield Remediation Site is V00343 and shall be added to this section.
 - Page 11 of 13, under E.2.,h.: The items *i*, *ii* and *iii* shall be answered "yes" and item *iv*, streams shall have "Names" answered as "856-17" and "Classification" answered as "C" Item *v* shall be answered "no". Section I. on the same page shall be answered "yes" and item I. answered as "principal aquifer".
 - Page 13 of 13, under E.3., f.: This shall be answered "yes".
11. The drainage calculations are currently under review by DEME. However, a full SWPPP shall be prepared for this site. The applicant's engineer is reminded that this site requires not only adherence to the Green Infrastructure requirements of the NYSDEC Stormwater Management Design Manual but also the Redevelopment requirements of same.
12. Ponds 1, 2 and 3 as well as the proposed cisterns are too close to Town property/ road. These features must be at least 25 feet from Town property, measured from the maximum water surface elevation. The plans and SWPPP shall show and address how the required 25 foot buffer from the maximum water surface elevation shall be achieved.
13. The driveway entrances off of Greenbush Road shall be reduced in size to a maximum of 20 feet wide and 25 feet wide at the intersection with Greenbush Road.

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14. To reduce the amount of new imperious area (pavement), the applicant shall consider changing the driveway approaches to one for entering and one for existing, or making the driveway around the building sides and back one way. This would reduce the size of the required stormwater basins and be in accordance with the NYSDEC Stormwater Management Design Manual's requirements for both Green Infrastructure and Redevelopment requirements.

15. The profile for the proposed sanitary main shall include the proposed building connections.

16. The purpose of the proposed 20 feet wide sanitary sewer easement at the south end of the property is unclear.

17. Catch basins shall be added to the northern driveway entrance at the intersection with Greenbush Road and "tied" into the proposed private drainage system.

18. The storm sewer profiles shall be updated to show all proposed crossings (for example, the proposed sanitary sewer main crossing between CI #3 and CI #2).

19. Detailed information regarding the proposed cisterns and detention basins shall be added to the plan (i.e. storage capacity at certain elevations, berm reinforcing, plantings, underdrains/ pond drain, emergency spillways, etc.)

20. Cross sections through the proposed detention basins shall be added to the plans (showing various design year storm elevations, flow path, berm elevations, outlet structure and piping elevations, outlet structure trash rack, pond drain, emergency spill elevations, aquatic bench, pond side slopes, not to exceed 3:1 – H:V, fixed vertical sediment depth marker, safety bench with elevations, etc.)

21. Access to and around (12 foot wide minimum) the basins shall be provided and shown on the plans.

22. The total area of disturbance shall be given on the plans, preferably on the Soil Erosion and Sediment Control Plan.

23. Truck wash down areas shall be shown on the Soil Erosion and Sediment Control Plan and added to the details.

24. The Soil Erosion and Sediment Control Plan shows regrading along Greenbush Road and Highview Avenue being performed and beyond the proposed erosion control measures; this shall be corrected.

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25. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to DEMA and the Town of Orangetown Town Attorney's office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEMA, etc.

26. Sidewalks shall be added along Greenbush Road and Highview Avenue along the entire length of the property.

27. The sanitary manhole cover detail, drawing #8 shall be revised to state "Sanitary Manhole" and the year.

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

29. Drainage Review Recommendation: The application has provided sufficient information to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated and therefore the Drainage Consultant to the Planning Board recommends that the Orangetown Commerce Center Site Plan be approved for drainage subject to the subject to the following comments.

Project Description: This is the first drainage review report for this project. The property is located on the west side of Greenbush Road and south of Highview Avenue. The existing parcel has been mostly cleared with some impervious area remaining from the previous use. The land slopes moderately downhill to the east toward Greenbush Road and there is an existing drainage system at Greenbush Road. The storm drainage system in this area includes three 18" pipes, one 24" pipe, and one 60" pipe that cross Greenbush Road and enters the property to the east. The plan includes three separate stormwater management basins to provide mitigation of increases in stormwater runoff. These basins outlet directly to the existing storm drainage system in Greenbush Road.

Project Comments:

1. The subarea maps contained in the drainage report shall include existing and proposed topography. The subbasin delineations shall be based on the topography and not necessarily the property lines.
2. Off-site runoff to the west shall be evaluated to determine if this runoff enters the site and subsequently the detention basins.
3. Off-site runoff from the storm drainage outfall along the west property line, west of Unit J, shall be incorporated into the design.
4. There are several storm drainage pipes that flow east through the site. An analysis of the off-site drainage that crosses the railroad line west of the site and enters these pipes shall be included in the drainage report to ensure that the site will not be flooded from off-site runoff.

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Continuation of Condition #29...

5. There is an existing 24" diameter pipe that enters the existing catch basin on the west side of Greenbush Road and north of Stevens Way. The pipe is shown as entering the basin from the site. The full location of this pipe shall be located during construction and the contributing drainage area to this pipe shall be determined by the applicant's engineer. If the pipe only conveys on-site runoff from the site and is to be removed based on the new development, then no change to the plan will be necessary. A map note shall be added indicating this.
6. Of the building should be added to the grading plan and the slopes from the front door to the curb added.
7. The drainage report shows runoff from the flat roof as being divided into the three separate stormwater management basins; additional detail of the roof drainage shall be provided on the Site Plan drawings to ensure the building will be constructed as per the design and no one basin will receive an overflow of runoff to contradict the drainage design.
8. Forebays shall be added to the stormwater management basins.
9. A details shall be provided for the existing storm drainage manhole that receives the outlet pipe from the southern stormwater management basin (OS-5) to ensure that this tie-in can be constructed.
10. A detail of the cistern shall be provided. The means of draining the cisterns shall be included in the plans.

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

- A review shall be completed by the Rockland County Department of Highways and all required permits obtained.
- The comments in the March 28, 2016 letter from the Rockland County Department of Health must be met.
- The comments in the April 6, 2016 letter from the Rockland County Drainage Agency must be addressed.

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Continuation of Condition #30...

- Areas dedicated for snow piles must be clearly delineated on the site plan so that the plow drivers know where to place the snow piles. This will help to protect the landscaping from being broken from the weight of the snow and from causing salt intrusion to the plants. In addition, providing specific locations on the site for the snow piles, especially since less than the required number of parking spaces is being provided, will eliminate the loss of parking spaces meant for the patrons and employees.
- All proposed signage shall conform to the municipality's sign standards.
- It is not clear if the existing monitoring well will be removed. If it is to be removed after the clean-up of the site, then the Rockland County Department of Health must be notified of the intent to decommission the wells, and monitor the process to ensure that it is done in compliance with the specifications of Article II of the Rockland County Sanitary Code. All required permits must be obtained from them.
- If any variances are needed to implement the proposed site plan, the Rockland County Department of Planning requests the opportunity to review the proposed variances, as required by New York State General Municipal Law, Section 239-m(3)(v).

31. The Rockland County Health Department (RCDOH) reviewed the information provided and offered the following comments:

- RCDOH must approve the plans for the sewage disposal by per Article IV, Section 4.2.1 of the Rockland County Sanitary Code.
- Application is to be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito Code.

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

33. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is not required based upon its review of the information provided.

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34. The Town of Orangetown Bureau of Fire Prevention (Bureau) reviewed the plan and offered the following comments.

- Install an NFPA 13 Compliant Fire Sprinkler System, with proposed drawings, submitted to the Bureau for approval before work starts.
- Install and maintain an NFPA 72 compliant Fire Alarm System, with drawing submitted to the Bureau before work starts; Connected to Rockland County 44-Control; with Red and Amber Strobes as per Orangetown Code.
- Install and maintain Portable Fire Extinguishers as required by NFPA 10.
- Install and Maintain Emergency Lighting as per NEC
- Install a Key Box, the application is available from the Bureau.
- Provide and maintain Minimum 26' access for Fire and Emergency Vehicles as per Appendix FD of the Fire Code.
- Each separate lease must apply for and maintain a Certificate of Compliance Fire Safety with the Bureau.

35. The New York State Department of Environmental Conservation (NYSDEC) reviewed the submitted information and has identified the following environmental concerns:

1. **Environmental Remediation** – The project site is listed on the NYSDEC Environmental Site Remediation database (Brownfield Cleanup Program: Orangetown Commerce Center (Site Code C344078). Please contact NYSDEC Division of Environmental Remediation, 625 Broadway, Albany, New York 122333, 518-402-9764) for any questions regarding requirements that Division may have in regards to this site.
2. **SPDES Stormwater (Construction)** – Since project activities will disturb over 1 acre of land, the project sponsor must obtain coverage under the current SPDES General Permit (GP-0-15-002_ for Stormwater Discharge from Construction Activities, and a Stormwater Pollution Prevention Plan (SWPPP) must be developed which conforms to requirements for the General Permit. As the Town of Orangetown is an MS4 community (Municipal Separate Storm Sewer System), the Town is responsible for review and acceptance of the SWPPP. The MS4 Acceptance Form must be submitted to NYSDEC. Authorization for coverage under the SPDES General Permit is not granted until NYSDEC issues any other necessary DEC permits.

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Continuation of Condition #35....

3. **Sewer Service** – An engineering report must be prepared to confirm the capacity of the Orangetown Sewage Treatment Plant to serve the proposed project. Approval of plans for any proposed sewer extensions or facility expansions will be required from DEC.
4. **Cultural Resources** – NYSDEC has reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicated that the project is located within an area considered to be sensitive with regard to archaeological resources.

36. CSXT Railroad reviewed the plans and information provided and found that CSXT requires a preliminary engineering agreement be executed between CSXT and the developer to review the plans and the proposed scope of work in it's entirety. To initiate the project with CSXT, the developer shall provide written authorization to incur costs. It should be noted that no drainage may be directed into SCST right of way resulting from the proposed development. It should also be noted that if the scope of work requires any one of the below conditions to be violated during construction, a construction agreement will need to be executed by the project sponsor with CSXT to allow the project to proceed:

1. Work will be performed on CSXT right of way
2. Work will be performed within 50 feet of the CSXT tracks
3. The equipment being used has the potential to encroach within 25 feet of the tracks should the equipment tip and fall towards the tracks.

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

- Town of Orangetown Zoning Board of Appeals
- Rockland County Sewer District No. 1
- Rockland County Department of Health
- New York State Department of Environmental Conservation

38. 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.

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

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40. 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.

41. 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.

42. 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.

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

44. 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).

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

46. 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

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

48. 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.

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Amendment to Rockland County Department of Planning Letter

The Board made a motion to Amend Condition #4 of the April 21, 2016 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning:

- An application form must be submitted the New York State Department of Environmental Conservation for the Brownfield Cleanup Program. All requirements must be met, and a Certificate of Completion must be obtained prior to the start of construction of the improvement site.
- The Board Amended as follows **“prior to a Certificate of Occupancy being granted.”**

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

The foregoing Resolution was made and moved by Thomas Warren and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel aye; William Young, aye; Stephen Sweeney, aye; Robert Dell, aye 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: May 11, 2016
Cheryl Coopersmith
Chief Clerk Boards and Commissions
attachment**



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

**PB#16-26: Orangetown Commerce Center Site Plan - Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.
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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: Orangetown Commerce Center Site Plan - Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec. SEQR STATUS: Type I
Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 5 Greenbush Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.15, Block 1, Lot 2 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 action. The proposed action is consistent with the Town of Orangetown's Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

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

For Further Information contact:

John Giardiello, P.E., Director, 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#16-27: Orangetown Commerce Center Internal Commercial Subdivision of Space - Preliminary Approval Subject to Conditions/ Neg. Dec.

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TO: Geraldine Tortorella, Hocherman, Tortorella & Wekstein, 1 North Broadway, Suite 701, White Plains, NY 10601
FROM: Orangetown Planning Board

RE: Orangetown Commerce Center Internal Commercial Subdivision Plan: The application of BF Orangetown LLC, owner, for Prepreliminary/ Preliminary/ Final Internal Commercial Subdivision Plan Review at a site to be known as "**Orangetown Commerce Internal Commercial Subdivision Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 5 Greenbush Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.15, Block 1, Lot 2 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 11, 2016**, the Board made the following determinations:

The Board received the following communications:

1. Project Review Committee Report dated May 4, 2016.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated May 11, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 5, 2016.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated April 21, 2016.
5. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 28, 2016.
6. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer I, dated April 7, 2016.
7. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chairman, dated April 6, 2016.
8. An Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated May 3, 2016.

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9. A Full Environmental Assessment Form, signed by Alfred Rossi, Vice President, dated March 3, 2016.
10. Traffic Impact Study, prepared by Maser Consulting, dated December 8, 2016.
11. A letter from Geraldine Tortorella, Hocherman, Tortorella & Wekstein, signed by Geraldine, Tortorella, dated March 18, 2016.
12. Site Plans prepared by Leonard Jackson Associates and Langan, dated January 15, 2016, revised March 8, 2016, unless noted:
 - Drawing 1: Title Sheet
 - Drawing 2: Layout Plan
 - Drawing 3: Grading, Drainage & Utility Plan
 - Drawing 4: Sediment and Erosion Control Plan
 - Drawing 5A: Landscaping Plan
 - Drawing 5B: Landscaping/ Lighting Notes and Details, dated February 8, 2016
 - Drawing 6: Lighting Plan
 - Drawing 7: Construction Details (1 of 3), dated January 15, 2016
 - Drawing 8: Construction Details (2 of 3), dated January 15, 2016
 - Drawing 9: Construction Details (3 of 3), dated January 15, 2016
 - Drawing 10: Storm Profiles
 - Drawing 11: Sanitary Sewer Profiles, dated January 15, 2016
 - Drawing 12: Site Cap Plan
 - Drawing 13: Boring Location Plan, dated January 15, 2016
 - Drawing 14: Demolition Plan
13. Survey of Property prepared by Jay Greenwell, PLS, dated December 18, 2014, last revision date of December 16, 2015: Sheets 1 and Sheets 2.
14. Architectural Plans prepared by Dahn & Krieger Architects Planners, dated June 25, 2015, last revised March 11, 2016, unless noted:
 - A.01: Proposed overall Floor Plan and Elevations
 - A.02: Partial Floor Plan & Partial Elevations
 - A.03: Partial Floor Plan & Partial Elevations
 - A.04: Color Elevation Rendering, last revised March 3, 2016
15. Building Permit Referral dated February 26, 2016, signed by Rick Oliver, Building Inspector.

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

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

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The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Bruce Bond and seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye 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.

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 Leonard Jackson Associates, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Drainage Agency, New York State Department of Environmental Conservation, Rockland County Sewer District No.1, Rockland County Department of Health, and having reviewed proposed Subdivision of Internal Space Plan by prepared by Leonard Jackson Associates 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;

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- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

On motion by Bruce Bond and seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye 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 a Preliminary Internal Commercial Subdivision of Space 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 layout plan shows 14 units with some units having the same letter designation, such as Band E. Please clarify or re-letter to indicate 14 individual units.

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4. A separate plan shall be provided for the internal commercial subdivision.

5. Drainage Review Recommendation: The application has provided sufficient information to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated and therefore the Drainage Consultant to the Planning Board recommends that the Orangetown Commerce Center Site Plan be approved for drainage subject to the subject to the following comments.

Project Description: This is the first drainage review report for this project. The property is located on the west side of Greenbush Road and south of Highview Avenue. The existing parcel has been mostly cleared with some impervious area remaining from the previous use. The land slopes moderately downhill to the east toward Greenbush Road and there is an existing drainage system at Greenbush Road. The storm drainage system in this area includes three 18" pipes, one 24" pipe, and one 60" pipe that cross Greenbush Road and enters the property to the east. The plan includes three separate stormwater management basins to provide mitigation of increases in stormwater runoff. These basins outlet directly to the existing storm drainage system in Greenbush Road.

Project Comments:

1. The subarea maps contained in the drainage report shall include existing and proposed topography. The subbasin delineations shall be based on the topography and not necessarily the property lines.
2. Off-site runoff to the west shall be evaluated to determine if this runoff enters the site and subsequently the detention basins.
3. Off-site runoff from the storm drainage outfall along the west property line, west of Unit J, shall be incorporated into the design.
4. There are several storm drainage pipes that flow east through the site. An analysis of the off-site drainage that crosses the railroad line west of the site and enters these pipes shall be included in the drainage report to ensure that the site will not be flooded from off-site runoff.
5. There is an existing 24" diameter pipe that enters the existing catch basin on the west side of Greenbush Road and north of Stevens Way. The pipe is shown as entering the basin from the site. The full location of this pipe shall be located during construction and the contributing drainage area to this pipe shall be determined by the applicant's engineer. If the pipe only conveys on-site runoff from the site and is to be removed based on the new development, then no change to the plan will be necessary. A map note shall be added indicating this.
6. Of the building should be added to the grading plan and the slopes from the front door to the curb added.

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6. The drainage report shows runoff from the flat roof as being divided into the three separate stormwater management basins; additional detail of the roof drainage shall be provided on the Site Plan drawings to ensure the building will be constructed as per the design and no one basin will receive an overflow of runoff to contradict the drainage design.

7. Forebays shall be added to the stormwater management basins.

8. A details shall be provided for the existing storm drainage manhole that receives the outlet pipe from the southern stormwater management basin (OS-5) to ensure that this tie-in can be constructed.

9. A detail of the cistern shall be provided. The means of draining the cisterns shall be included in the plans.

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

- A review shall be completed by the Rockland County Department of Highways and all required permits obtained.
- The comments in the March 28, 2016 letter from the Rockland County Department of Health must be met.
- The comments in the April 6, 2016 letter from the Rockland County Drainage Agency must be addressed.
- Areas dedicated for snow piles must be clearly delineated on the site plan so that the plow drivers know where to place the snow piles. This will help to protect the landscaping from being broken from the weight of the snow and from causing salt intrusion to the plants. In addition, providing specific locations on the site for the snow piles, especially since less than the required number of parking spaces is being provided, will eliminate the loss of parking spaces meant for the patrons and employees.
- All proposed signage shall conform to the municipality's sign standards.
- It is not clear if the existing monitoring well will be removed. If it is to be removed after the clean-up of the site, then the Rockland County Department of Health must be notified of the intent to decommission the wells, and monitor the process to ensure that it is done in compliance with the specifications of Article II of the Rockland County Sanitary Code. All required permits must be obtained from them.

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Continuation of Condition #10...

- If any variances are needed to implement the proposed site plan, the Rockland County Department of Planning requests the opportunity to review the proposed variances, as required by New York State General Municipal Law, Section 239-m(3)(v).

11. The Rockland County Health Department (RCDOH) reviewed the information provided and offered the following comments:

- RCDOH must approve the plans for the sewage disposal by per Article IV, Section 4.2.1 of the Rockland County Sanitary Code.
- Application is to be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito Code.

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

13. The Town of Orangetown Bureau of Fire Prevention (Bureau) reviewed the plan and offered the following comments.

- Install an NFPA 13 Compliant Fire Sprinkler System, with proposed drawings, submitted to the Bureau for approval before work starts.
- Install and maintain an NFPA 72 compliant Fire Alarm System, with drawing submitted to the Bureau before work starts; Connected to Rockland County 44-Control; with Red and Amber Strobes as per Orangetown Code.
- Install and maintain Portable Fire Extinguishers as required by NFPA 10.
- Install and Maintain Emergency Lighting as per NEC
- Install a Key Box, the application is available from the Bureau.

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Continuation of Condition #13...

- Provide and maintain Minimum 26' access for Fire and Emergency Vehicles as per Appendix FD of the Fire Code.
- Each separate lease must apply for and maintain a Certificate of Compliance Fire Safety with the Bureau.

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

- Town of Orangetown Zoning Board of Appeals
- Rockland County Sewer District No. 1
- Rockland County Department of Health
- New York State Department of Environmental Conservation

15. 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.

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

17. 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:

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Continuation of Condition #17...

- 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.

18. 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.

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

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

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

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

23. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and 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

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

25. 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.

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

Amendment to Rockland County Department of Planning Letter

The Board made a motion to Amend Condition #4 of the April 21, 2016 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning:

- An application form must be submitted the New York State Department of Environmental Conservation for the Brownfield Cleanup Program. All requirements must be met, and a Certificate of Completion must be obtained prior to the start of construction of the improvement site.
- The Board Amended as follows **“prior to a Certificate of Occupancy being granted.”**

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

The foregoing Resolution was made and moved by Bruce Bond and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel aye; William Young, aye; Stephen Sweeney, aye; Robert Dell, aye 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: May 11, 2016
Cheryl Coopersmith
Chief Clerk Boards and Commissions
attachment**



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

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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: Orangetown Commerce Center Internal Commercial Subdivision of Space - Preliminary Approval Subject to Conditions/ Neg. Dec.

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

DESCRIPTION OF ACTION: Internal Commercial Subdivision of Space Plan Review

LOCATION: The site is located at 5 Greenbush Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.15, Block 1, Lot 2 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 action. The proposed action is consistent with the Town of Orangetown's Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

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

For Further Information contact:

John Giardiello, P.E., Director, 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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