

**Meeting of May 25, 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; Robert Magrino, 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:

<b>Craig – Lee Garage Site Plan</b> Critical Environmental Area Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review 910 Route 9W, Upper Grandview 71.17/1/24; R-22 zoning district	<b>PB #16-06</b>  <b>Final Site Plan Approval Subject to Conditions Neg. Dec.</b>
<b>The Ice Factory, Inc. Plan</b> Conditional Use Permit and SEQR Review 2 Veterans Parkway, Pearl River 69.05/2/76; CO zoning district	<b>PB #16-28</b>  <b>Granted a Conditional Use Permit Subject to Conditions/ Neg. Dec.</b>
<b>100 Corporate Drive, Bradley Corporate Park</b> Interior Commercial Subdivision Plan Prepreliminary/ Preliminary/ Final Commercial Subdivision and SEQR Review 100 Corporate Drive, Blauvelt 65.18/1/16; LI/LIO zoning district	<b>PB #16-29</b>  <b>Final Internal Commercial Subdivision Plan Approval Subject to Conditions Neg. Dec.</b>
<b>Highland Mews at Sparkill</b> Interior Commercial Subdivision Plan Prepreliminary/ Preliminary/ Final Commercial Subdivision and SEQR Review 651 Main Street, Sparkill Sparkill Overlay Zone 77.08/5/49.3; CS zoning district	<b>PB #16-30</b>  <b>Final Internal Commercial Subdivision Plan Approval Subject to Conditions Neg. Dec.</b>
<b>Pfizer, Inc. Site Plan</b> Addition to Building #223 Hamilton Bios Project Final Site Plan Review 401 North Middletown Road, Pearl River 68.08/1/5; LI zoning district	<b>PB #16-31</b>  <b>Final Site Plan Approval Subject to Conditions</b>

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The decisions of the May 11, 2016 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Stephen Sweeney and seconded by Bruce Bond and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; William Young, aye; Thomas Warren, aye, Robert Dell, aye; Stephen Sweeney, aye and Michael Mandel, aye.

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 Michael Mandel and seconded by Stephen Sweeney and agreed to by all in attendance. The meeting was adjourned at 8:15 p.m.

**DATED: May 25, 2016**

**Cheryl Coopersmith**

**Chief Clerk Boards and Commissions**



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**PB #16-06: Craig – Lee Garage Site Plan – Critical Environmental Area:  
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TO: Robert Silarski, AIA, 41A North Broadway, Nyack, New York 10960  
FROM: Orangetown Planning Board

RE: Craig – Lee Garage Site Plan: The application of Robert Silarski, AIA, applicant, for Damon Craig and Li-Shen Lee, owners, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site known as **“Craig – Lee Garage 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 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 910 Route 9W, Upper Grandview, in the Critical Environmental Area, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.17, Block 1, Lot 24 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **May 25, 2016** at which time the Board made the following determinations:

Robert Silarski appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated May 18, 2016.  
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 25, 2016.
2. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 19, 2016.
3. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated May 20, 2016.
4. Letters from Rockland County Department of Planning, signed by Douglas Schuetz, Action Commissioner of Planning, dated May 5 & 23, 2016.
5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated May 24, 2016.
6. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated April 26, 2016.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated April 27, 2016.
8. A letter from the Village of Grand View-on-Hudson, Planning Board signed by Donald G. Vernon, Chair, dated April 27, 2016.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated April 20, 2016.
10. A Short Environmental Assessment Form signed by Robert Silarski, AIA, dated April 1, 2016.

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11. Architectural Plan A-100: Title/ Details/ Proposed Plan & Elevations: prepared by S&CO Architecture + Design dated December 17, 2015, last revision date of April 15, 2016.
- 12 Site Plan prepared by Atzl, Nasher & Zigler, P.C., dated April 6, 2016.
13. Project Narrative, dated April 1, 2016, prepared by S&CO.
14. Building Permit Referral to the Planning Board dated April 26, 2016.

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.

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 Stephen Sweeney 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, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Village of Grand View-on-Hudson, Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Sewer District #1, and having reviewed the drawings presented by the applicant's professional consultants; Atzl, Nasher & Zigler, P.C., and S&CO, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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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 Final Site Plan Approval Subject to the Following Conditions:**

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

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2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The Planning Board waived the need to appear in front of the Town of Orangetown Architecture and Community Appearance Board for review.
4. The locations of all utilities shall be shown on the Site Plan.
5. It appears from the Site Plan that the proposed two car garage will be located in front of the existing one car garage. Please clarify this since the EAF indicates "demolish existing one car garage" as part of the description.
6. The Short Environmental Assessment Form appears to be in order.
7. Note #7 on the Site Plan references an access manhole as the datum for the contours, however, no manhole is shown on the drawing, this shall be corrected.
8. The elevations for the source benchmark shall be given on the plans.
9. The previous site plan submitted depicted manholes in the driveway, the current drawing does not. Clarify if the manholes still there, were they removed? Also, the nature of the manholes shall be indicated on the plans.
- 10. Drainage Review Recommendation:** The application has provided sufficient information to demonstrate that there will be no potential significant adverse impacts with respect to drainage that require mitigation and therefore recommend that the Craig-Lee Garage Site Plan be approved for drainage subject to the following project comments.

This is the third drainage review report for this project; the last report was dated May 19, 2016. The property is located on the west side on Route 9W. The proposed work consists of a 31 feet by 32 feet addition to an existing single family house. The addition is for a two car garage on the first floor and a studio/deck on the second floor. The addition is located on the south side of the existing dwelling and the existing driveway will be utilized to provide access. The topography slopes downhill to the east. There are rock outcroppings on the site that may be in the area of the proposed addition.

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

For the revised plans, the majority of the addition is located over existing impervious area for the driveway and walks. There is a map note on the plans that states that 65 square feet of impervious area is being added. This is below the threshold that the Town of Orangetown utilizes to require post construction stormwater mitigation in a Critical Environmental Area.

**Project Comments**

1. As per the January 18, 2016 drainage review report, a grading plan shall be prepared that shows finished grading for the proposed improvements. The garage floor elevation shall be added to the Site Plan.
2. As per the January 18, 2016 drainage review report, the architectural elevation shows a proposed slope away from the rear of the new garage; the proposed grading plan shall show the cut in the rear yard that is necessary to achieve positive drainage away from the building. A retaining wall may be required to achieve this grading.
3. As per the January 18, 2016 drainage review report, rock outcroppings shall be clearly shown on the site plan and indicate cut in this area.
4. As per the January 18, 2016 drainage review report, a footing drain shall be shown on the Site Plan.
5. As per the January 18, 2016 drainage review report, grading shall be shown that demonstrates a car can maneuver into the garage bays. The garage door has been moved from the east face to the south face and it appears and it appears that this location has more room for a vehicle to enter the garage. The location of the garage doors and deck columns shall be added to the plan to show that a car can enter and exit the garage.
6. Calculations shall be provided to support the map note that states, "65 square feet of new impervious area is proposed." The proposed conditions shall include the deck overhang as impervious area.

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

- An updated review shall be completed by the New York State Department of Transportation and all required permits obtained.
- The Village of Grand View-on-Hudson is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 330 feet east of the side. As required under Section 239nn of the State General Municipal Law, the Village of Grand View-on-Hudson must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Town of Orangetown.

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**Continuation of Condition #11...**

- As indicated in the January 13, 2016 letter from the Rockland County Department of Highway, a work permit must be obtained from them since the site is within 500 feet of Tweed Boulevard, a County Highway.
- 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.

**12.** The Rockland County Department of Health reviewed the information and found that there are no Rockland County Department of Health approvals needed for this application.

**13.** 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.

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

- Rockland County Health Department
- Town of Orangetown Zoning Board of Appeals
- Rockland County Sewer District #1
- Village of Grandview on Hudson

**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:

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

- 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.

**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.

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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).

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.

The foregoing Resolution was made and moved by Bruce Bond, 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 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 25, 2016**

**Town of Orangetown Planning Board**

Attachment



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**State Environmental Quality Review Regulations  
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: Craig – Lee Garage Site Plan**

SEQR STATUS: Type I \_\_\_\_\_ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX

**DESCRIPTION OF ACTION: Site Plan Review**

**LOCATION:** The site is located at 910 Route 9W, Upper Grandview, in the Critical Environmental Area, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.17, Block 1, Lot 24 in the R-22 zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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 #16-28: The Ice Factory Conditional Use Permit Granted / Neg. Dec.**

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TO: Larry Bieber, 14 Lafayette Avenue, Suffern, New York 10901  
FROM: Orangetown Planning Board

RE: The Ice Factory, Inc. - Conditional Use Permit: The application of The Ice Factory, Inc., applicant, for Jacqueline Beers, Co. Manager Parkway Associates, owner, for Prepreliminary/ Preliminary/ Final Conditional Use Permit Review, at a site to be known as **"The Ice Factory, Inc. – Conditional Use Permit"**, 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, Chapter 43, Section 8.1 of the Town of Orangetown Zoning Code 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 2 Veterans Parkway, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.05, Block 2, Lot 76, in the CO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 25, 2016**, at which time the Board made the following determination:

Larry Bieber appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated May 18, 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 25, 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 19, 2016.
4. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated May 5, 2016.
5. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., dated May 5, 2016.
6. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated May 3, 2016.
7. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated April 28, 2016.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Tricia Castelli, dated May 4, 2016.
9. A Short Environmental Assessment Form, signed by Larry Bieber, dated April 21, 2016.

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- 10. A Property Survey noting location of site requesting Conditional Use Permit.
- 11. Copy of Building Permit application, dated April 15, 2016, signed by Glen Maier, Building Inspector.

The Board reviewed the Plan. The Board opened the item to the Public.

There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Bruce Bond and second 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 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 and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of

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Environmental Management and Engineering, and having heard from the following involved and interested agencies: Rockland County Department of Highways, Rockland County Sewer No. 1 and having reviewed the proposed plan, 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 Michael Mandel and seconded by William Young 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.

**In view of the foregoing and the testimony before the Board, the application was Granted a Conditional Use Permit, pursuant to Chapter 43, Section 8.1 of the Town of Orangetown Zoning Code. The Board made the following Findings and Comments:**

- The proposed use, size and character is in harmony with the development in the district in which it is proposed to be situated and will not be detrimental to the zoning classification of such properties.
- The proposed location and size of the use, nature and intensity of operations involved, and the site layout in relation to access streets will not be hazardous to pedestrian or vehicular traffic.

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**PB #16-28: The Ice Factory Conditional Use Permit  
Granted / Neg. Dec.**

**Town of Orangetown Planning Board Decision  
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- The proposed location of the use will not hinder or discourage development or use of adjacent land and buildings.
- The proposed use will not require additional public services or create fiscal burdens upon the Town of Orangetown greater than those which characterize uses permitted by right.

**In addition, the approval is SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The proposed use is an Italian Ice Store. The use falls under “Fast Food” and requires a Conditional Use Approval by the Planning Board in a CO zone district.
2. The Short Environmental Assessment Form, item 5 and 6 shall be answered “Yes” and “by Conditional Use” added to item 5a.
3. Rockland County Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
  - a. A review must be completed by the Rockland County Department of Highways and all required permits obtained.
  - b. A review must be completed by the Rockland County Department of Health for the proposed food establishment, and any required permits obtained.
  - c. A review shall be completed by the New York State Department of Transportation and any required permits obtained.
4. The Rockland County Department of Health has received an application for a Special Use Permit for this application. All necessary Rockland County Department of Health approvals for this project have been obtained.
5. 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.
6. The Town of Orangetown Bureau of Fire Prevention (Bureau) had the following comments which are incorporated herein as conditions of approval:
  - a. Provide a NFPA 72 compliant fire alarm system approved and inspected by the Bureau.
  - b. Provide emergency lighting and exist signs as per Chapter 10 of the New York State Fire Code.
  - c. Provide portable fire extinguishers as per section 901 of the New York State Fire Code.
  - d. Provide flame spread rating for any floor, wall or ceiling coverings.
  - e. Provide one key box for Fire Department access, order form available through the Bureau of Fire Prevention.

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7. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
- Rockland County Sewer District #1
  - Rockland County Department of Health
  - Town of Orangetown Zoning Board of Appeals

**Overrides**

The Board made a motion to override Conditions #2 and #3 of the May 5, 2016 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

#2. We received a partial site plan, so it is difficult to determine if all of the information that we seek was provided elsewhere. The following information must be provided so that we can do a comprehensive review: 1) A bulk table with all applicable bulk regulations must be provided. This table should show both required and existing/proposed conditions; 2) Parking calculations for the entire site must be provided. Since two other uses will share this building, and since the building is located on the corner of North Middletown Road, a County highway, it is critical to be assured that adequate parking is provided.

The Board held that a Site Plan was not required since the application was for a Conditional Use Permit. The building and parking already exist and the proposed use is consistent with the existing uses in the building.

A motion to override the condition 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; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye.

#3. Some of the parking area is shown on the corner of Veterans Parkway and North Middletown Road. This parking area should only be accessed from Veterans Parkway to avoid conflict points on the County roadway. In addition, no vehicles shall back out from these parking spots into the County highway.

The Board held that a Site Plan was not required since the application was for a Conditional Use Permit. The building and parking already exist and the proposed use is consistent with the existing uses in the building.

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A motion to override the condition 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; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye.

The foregoing Resolution was made and moved by Stephen Sweeney 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 Clerk of 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 this Office of the Planning Board.

**Dated: May 25, 2016**

**Town of Orangetown Planning Board**

attachment



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

**PB #16-28: The Ice Factory Conditional Use Permit  
Town of Orangetown Planning Board Decision  
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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: The Ice Factory Conditional Use Permit**

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

**DESCRIPTION OF ACTION: Conditional Use Permit**

**LOCATION:** The site is located at 2 Veterans Parkway, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.05, Block 2, Lot 76, in the CO zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**  
The Orangetown Planning Board, as Lead Agency, determined that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared. The reasons supporting this determination are as follows:  
The project will not have a significant impact upon the environment and a DEIS need not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels or existing external traffic patterns. In addition, it will have no impact upon the aesthetic, agricultural or cultural resources of the neighborhood. No vegetation, fauna or wildlife species will be affected as a result of this proposed development. The proposed action is consistent with the Town of Orangetown'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#16-29: 100 Corporate Drive - Internal Commercial Subdivision Plan -  
Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision**  
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TO: John McGee, 500 Bradley Hill Road, Blauvelt, NY 10913  
FROM: Orangetown Planning Board

RE: 100 Corporate Drive, Bradley Corporate Park – Internal Commercial Subdivision Plan: The application of Bradley Corporate Park, owner, for Prepreliminary/ Preliminary/ Final Internal Commercial Subdivision Plan Review, at a site known as “**100 Corporate Drive, Bradley Corporate Park 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 100 Corporate Drive, Blauvelt, Bradley Corporate Park, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.18, Block 1, Lot 16, in the LI/LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 25, 2016**, the Board made the following determinations:

Dan Mellin appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated May 18, 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 25, 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 19, 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 Highways, signed by Sonny Lin, P.E., dated May 20, 2016.
6. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 29, 2016.
7. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer I, dated April 8, 2016.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chairman, dated April 6, 2016.
9. A letter from CSX Railroad, signed by Derek Mihaly, Project Manager II, Public Projects, dated April 18, 2016.

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10. A Short Environmental Assessment Form, dated May 13, 2016 signed by John Magee.
11. Site Plan prepared by Joseph Corless, P.E., dated January 18, 2008.
12. Building Floor Plan, dated September 16, 2015.
13. Building Permit Referral dated March 30, 2016.

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 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 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 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 Joseph Corless, P.E., 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 Highway Department, Rockland County Sewer District No.1, Rockland County Department of Health, and having reviewed proposed Site Plan by prepared by Joseph Corless, P.E., a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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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 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 Final Subdivision 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.

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3. The applicant wishes to subdivide the top floor of the existing building into 9 tenant spaces. No physical expansion of the building is proposed at this time.
4. The Short Environmental Assessment Form (SEAF) needs to be checked "No", otherwise, the SEAF appears to be in order.
5. The Site Plan shall note the location of handicap parking spaces. The number and location of the handicap spaces shall be in accordance with the New York State Building Code.
6. The Rockland County Health Department (RCDOH) reviewed the information provided and found that there are no RCDOH approvals needed for this application.
7. 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.
8. CSXT Railroad reviewed the plans provided and has no objections to the proposed work for the following reasons
  - The project sponsor has stated that all work will be performed outside the limits of CSXT right of way,
  - The project sponsor has stated that no work will be performed within 50 feet of the CSXT tracks, and
  - The equipment being used does not have the potential to encroach within 25 feet of the tracks should the equipment tip and fall towards the tracks.
9. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
  - Town of Orangetown Zoning Board of Appeals
  - Rockland County Sewer District No. 1
  - Rockland County Department of Health
  - Rockland County Highway Department
10. 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.
11. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.

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**12. 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.

**13.** 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.

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

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

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

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

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

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

20. 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.

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

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 25, 2016**

**Town of Orangetown Planning Board**  
attachment

*Cheryl Capone*  
TOWN CLERKS OFFICE

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TOWN OF ORANGETOWN



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

**PB#16-29: 100 Corporate Drive - Internal Commercial Subdivision Plan -  
Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision**  
**May 25, 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: 100 Corporate Drive - Internal Commercial Subdivision Plan**

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

**DESCRIPTION OF ACTION: Internal Commercial Subdivision Plan Review**

**LOCATION:** The site is located at 100 Corporate Drive, Blauvelt, Bradley Corporate Park, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.18, Block 1, Lot 16, in the LI/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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**PB#16-30: Highland Mews at Sparkill - Internal Commercial Subdivision Plan - Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

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TO: John Mascia, 29 Athenia Lane, Hopewell Junction  
New York 12533  
FROM: Orangetown Planning Board

RE: Highland Mews at Sparkill - Interior Commercial Subdivision Plan: The application of Highland Mews Realty, LLC, owner, for Prepreliminary/ Preliminary/ Final Internal Commercial Subdivision Plan Review, at a site known as **“Highland Mews at Sparkill 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 651 Main Street, Sparkill, in the Sparkill Overlay Zone, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.08, Block 5, Lot 49.3, in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 25, 2016**, the Board made the following determinations:

John Mascia appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated May 18, 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 25, 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 19, 2016.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated May 4, 2016.
5. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 18, 2016.
6. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated April 20, 2016.
7. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chair, dated April 20, 2016.
8. A Short Environmental Assessment Form signed by John Mascia, dated March 28, 2016.
9. Subdivision Plan prepared by Jorge Lopez, Architect, dated January 29, 2009, last revision date of February 28, 2013.

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10. Copies of the following Board Decisions: PB #11-35; Final Subdivision Plan Approval Subject to Conditions, dated July 11, 2011.
11. Submitted at the meeting by the applicant, photographs of the parking facilities provided at the project site.

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 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 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 Jorge Lopez, Architect, 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, and having reviewed proposed Site Plan by prepared by Jorge Lopez, Architect, a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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TOWN OF ORANGETOWN

**PB#16-30: Highland Mews at Sparkill - Internal Commercial Subdivision Plan - Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision**  
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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 Final Subdivision Plan Approval Subject to the Following Conditions:**

1. Under the Sparkill Hamlet Center Overlay Zoning District, this property was approved as Mixed Use Development on August 17, 2010, Town Board Resolution number 482.

- The first floors of the four buildings are for commercial use and the upper floors are residential use.
- The first floors of the four buildings contain four commercial business spaces together with 4 storage spaces.

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- The applicant is proposing to separate the four commercial businesses from the storage spaces on the first floor thereby creating a total of eight separate commercial spaces for rental purposes.
- The commercial subdivision will afford the property owner the flexibility of having the four rear commercial spaces designated for storage or a commercial business use.
- The four front commercial spaces will have to remain as commercial uses.
- There is no physical expansion of the building being proposed at this time.

2. Based on the existing uses on the property, a total of 23 parking spaces are required. According the Planning Board decision PB #11-35, there were 15 parking spaces approved on the property and 8 parking spaces approved offsite across the street. The commercial subdivision does not increase the total number of parking spaces required.

3. The Short Environmental Assessment Form appears to be in order.

4. The following shall occur in regard to the construction and completion of the cross walk:

- The applicant shall provide the Town of Orangetown with a cost estimate to construct the cross walk. Escrow shall be held by the Town of Orangetown until the crosswalk is complete.
- The applicant may apply for a construction permit for the Internal Subdivision, however, a Certificate of Occupancy shall not be granted until the crosswalk is complete.

5. A plan shall be submitted noting the location of the 8 off-site parking spaces.

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

- A review must be completed by the New York State Department of Transportation and any required permits obtained.
- Some of the parking spaces to be used for this development are located off-site and across the street. A map showing the parking for the site must be provided. In addition, to ensure safety of pedestrians, a clearly marked pedestrian crosswalk shall be provided, if appropriate.

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7. The Rockland County Health Department (RCDOH) reviewed the information provided and has no comment on the proposed subdivision.
8. 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.
9. 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
10. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plans prior to signing the final plans.
11. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.
12. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §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.
13. **TREE PROTECTION:** The following note shall be placed on the Site Plan: The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:
  - a. No construction equipment shall be parked under the tree canopy.
  - b. There will be no excavation or stockpiling of earth underneath the trees.
  - c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
  - d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
    - One (1) foot radius from trunk per inch DBH
    - Drip line of the Tree Canopy. The method chosen should be based on

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

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.

**14.** 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.

**15.** 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.

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

**17.** 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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18. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
19. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEMA with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications
20. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

The foregoing Resolution was made and moved by Michael Mandel 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 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 25, 2016  
Town of Orangetown Planning Board**

*Cheryl Cooper Smith*

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

**PB#16-30: Highland Mews at Sparkill - Internal Commercial Subdivision  
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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: Highland Mews at Sparkill Internal Commercial Subdivision**

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

**DESCRIPTION OF ACTION: Internal Commercial Subdivision**

**LOCATION:** The site is located at 651 Main Street, Sparkill, in the Sparkill Overlay Zone, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.08, Block 5, Lot 49.3, in the CS 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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TOWN OF ORANGETOWN

**PB#16-31: Pfizer, Inc. Site Plan – Building #223: Final Site Plan Approval  
Subject to Conditions**

**Town of Orangetown Planning Board Decision**

**May 25, 2016**

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TO: Donn McMullen, Pfizer, 401 North Middletown Road, Pearl River,  
New York 10965  
FROM: Orangetown Planning Board

RE: Pfizer, Inc. Site Plan: The application of Donn McMullen, applicant for Pfizer, Inc. owner, for Final Site Plan Review” for an addition to Building #222 to be known as Building 223 at a site known as “**Pfizer, Inc. 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 401 North Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.08, Block 1, Lot 5 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 25, 2016**, the Board made the following determinations:

Donn McMullen, Anthony Bispo, Robert Lerch, Robert Dructor and Herb Boccard and testified.

The Board received the following communications:

1. Project Review Committee Report dated May 18, 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 25, 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 19, 2016.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated May 20, 2016.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated May 23, 2016.
6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated May 24, 2016.
7. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated April 27, 2016.
8. An Email from Mike Bettmann dated May 23, 2016.
9. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated May 19, 2016.
10. Copies of the following Board Decisions: ACABOR #16-26, Approved as Presented, dated April 7, 2016, PB #16-12, Preliminary Site Plan Approval Subject to Conditions, dated March 23, 2016.

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11. Revised Short Environmental Assessment Form, signed by Donn McMullen, dated April 19, 2016.
12. Letter from Anthony Bispo, Pfizer Global Operations, dated May 13, 2016, formal responses to comments from PB #16-12.
13. Pfizer Global Research and Development Plans, Pearl River – Building 223 Hamilton Bios Project, prepared by Joseph Masiello, P.E., Stantec Consulting Services, Inc.:
  - Project Drawing #C-102: Removal Plan, last revised 4/20/16
  - Project Drawing #C-103: Site/ Utility Plan, last revised 4/20/16
  - Project Drawing #C-104: Grading Plan, last revised 4/20/16
14. Survey Plan prepared by Edward Gannon, PLS, dated April 29, 2016.
15. A Copy of the Stormwater Pollution Prevention Plan prepared by Stantec Consulting Services Inc., dated March 31, 2016.
16. A copy of a letter to Deborah Arbolino, Town of Orangetown Zoning Board of Appeals from the Town of Clarkstown Planning Board, signed by Rudolph Yacyshyn, Vice Chairman, dated April 7, 2016.

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 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.

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. 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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**PB#16-31: Pfizer, Inc. Site Plan – Building #223: Final Site Plan Approval  
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**Town of Orangetown Planning Board Decision  
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3. The plans submitted are labeled building 223, yet the building is actually 222. Please correct or clarify.

4. DEME disagrees with the applicant's letter of May 13, 2016 item #2 – under DEME comments of March 21, 2016. This project IS a redevelopment project and thus the SWPPP must be prepared in accordance with Chapter 9 of the NYSDEC Stormwater Management Design Manual, as well as all the other normal applicable chapters.

5. The applicant shall consider relocating the existing 3 inch sanitary main (drawing C-106) so it will not be below the proposed addition.

6. Catch basin protection shall be modified to reflect stone filter for the basins that are located in asphalt.

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

**8. Drainage Review Recommendation:** The application has demonstrated that the project can provide mitigation of potential significant adverse impacts with respect to increase in stormwater runoff. Brooker Engineering, the Town of Orangetown Planning Board Drainage Consultant, therefore recommends that the Pfizer, Inc. Site Plan for Building 222 Addition be approved for drainage subject to the following comments.

**Project Description:** This is the second drainage review report for this project; the last report was dated March 23, 2016. The project is for a building addition, approximately 4,000 square feet, along the east side of Building 222 at the Pfizer campus. The area where the addition is proposed is currently grass, and stormwater runoff flows southeast to an existing parking lot with an existing storm drainage system.

**Project Comments:**

1. Proposed grading shall be added to the northwest courtyard between the existing building and the proposed addition to show how stormwater runoff will drain in this area.
2. The proposed grading along the southwest corner of the building courtyard directs runoff in a southwesterly direction to an existing building; this shall be revised to direct the runoff southeast to the parking area.
3. The drainage calculations on drawing C-104 only include the new impervious area from the building addition. The 1,153 SF of impervious area from the sidewalk shall be included in the stormwater detention analysis. The means of conveying this runoff to the drywells shall be shown; a possible alternative is to direct additional existing roof area to the drywells to compensate for the sidewalk area.

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Subject to Conditions**

**Town of Orangetown Planning Board Decision  
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**Continuation of Condition #8....**

4. Show by map note the roof area intended to be diverted to the drywells on Drawing C-104.
  5. On the Drainage Leaching Pool Detail on Drawing C-105, show the depth of the drywell as per the drainage calculations. Show filter fabric between the crushed stone and soil. Add a map note indicating that the depth to groundwater table shall be field verified. Add a map note indicating the maintenance requirements.
  6. The overflow path of water leaving the drywells shall be shown on the Site Plan.
  7. Verify the 1"=20' map scale shown on Drawing C-104.
9. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
- As noted in the March 23, 2016 letter from the Rockland County Department of Highways, a work permit must be obtained prior to any construction on site.
  - An updated review shall be done by the New York State Department of Transportation and all required permits obtained.
  - In a letter dated April 7, 2016 to the Orangetown Zoning Board of Appeals, the Town of Clarkstown requested some additional information regarding the project in order to make a proper recommendation. Specific information requested included what will be stored in the freezer, and the operation of the facility. The information requested by the Town of Clarkstown must be submitted to them for their review.
  - 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.
10. The Rockland County Health Department (RCDOH) reviewed the information provided and found that there are no RCDOH approvals needed for this application.
11. 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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**12.** The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans and Board Decisions prior to signing the final plans.

Outstanding Items - Guide to the Preparation & Filing of Site Development Plans: (Place the following information on the Site Plan).

**#1.** Section, Block, and Lot of site.

Section 68.08  
Block 1  
Lot 5

**#2.** Name and address of record owner and signature of owner or representative.

**#8.** Districts in which located:

School: Pearl River  
Fire: Pearl River  
Water: United Water  
Lighting: Pearl River  
Sewer: Orangetown Sewer District  
Zoning District: LI

**#18.** Each plan shall bear a note stating: "All utilities, including electric and telephone service, shall be installed underground."

**#23.** The following note must be placed on all site plans: "This plan does not conflict with the County Official Map and has been approved in the manner specified by Section 239L&M of the General Municipal Law of the State of New York."

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

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

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

- 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.

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

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

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**PB#16-31: Pfizer, Inc. Site Plan – Building #223: Final Site Plan Approval  
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17. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.

18. 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).

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

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

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

22. 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.

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

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 25, 2016**

**Town of Orangetown Planning Board**

*Cheryl Capersmith*  
TOWN CLERK

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TOWN OF ORANGETOWN