

**PB #13-21: Hillside Commercial Park Site Plan- Disapproval of Final Site Plan**

**Town of Orangetown Planning Board Decision**  
**May 22, 2013**  
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**TO:** Donald Brenner, 4 Independence Avenue, Tappan, New York  
**FROM:** Orangetown Planning Board

**RE:** Hillside Commercial Park Site Plan: The application of Route 304, LLC, owner, (Donald Brenner, attorney for the applicant), for Final Site Plan Review, at a site to be known as "Hillside Commercial Park Site Plan", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the code of the Town of Orangetown. The site is located on the West side of Route 304 right of way on the South by Hillside Avenue and on the East by the CSX railroad right of way, Pearl River, Town of Orangetown, Rockland County, New York. Tax Map: Section 68.11, Block 3, Lots 39 & 40; L1 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held May 22, 2013, at which time the Board made the following determinations:

Donald Brenner, Edmund Lane and Stuart Strow appeared and testified. The Board received the following information.

1. A Project Review Report dated May 15, 2013.
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 22, 2013.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 17, 2013.
4. Letters from Maser Consulting, Planning Board Drainage Consultant, signed by Joseph T. Caruso, P.E., dated May 7 and 22, 2013.
5. A letter from the Rockland County Department of Planning, signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning, dated May 14, 2013.
6. A letter from Rockland County Highway Department, signed by Sonny Lin, P.E., dated May 10, 2013.
7. Letters from the New York State Department of Transportation, signed by Mary Jo Russo, dated April 1, 2008 and May 2, 2013.
8. An Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated May 13, 2013.
9. A copy of a letter from the Borough of Montvale, New Jersey, addressed to Thom Kleiner, Orangetown Supervisor, from Wolfgang Voght, Chairman, Montvale Environmental Commission, dated November 21, 2008.
10. Submitted at the meeting, a letter from Michael Palko, 40 Rollins Avenue, Pearl River, New York, undated.
11. Submitted at the meeting, a letter from Joanne Di Lorenzo, Registered Landscape Architect, dated May 22, 2013.

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12. Site Plans prepared by Brooker Engineering, dated August 29, 2007, last revision date of March 20, 2013:

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

Board Member Michael Mandel recused himself from the meeting.

**Public Comment:**

Darcy Castelero, representative of Assemblywomen Ellen Jaffe, noted that a current New York State bill was under consideration to create a bi-state council to review projects for impact on streams, rivers and other environmental issues. She also raised concerns that the proposed type of facility attracts law enforcement issues.

Joanne Di Lorenzo, Registered Landscape Architect, 12 Moore Avenue, Pearl River; submitted a letter, dated May 22, 2013. Ms. Di Lorenzo held that the proposed project was overdevelopment of the site and discussed the conditions of the ACABOR decision.

Michael Mandel, member of the Town of Orangetown Planning Board, however recused from the proceedings of the item and speaking as a private citizen, 94 Grove Street Pearl River; noted that the Muddy Creek flows through the property and any development on the site needs approval from the Army Corp of Engineers. He also had issues with condition #7 of the Preliminary Site Plan Approval regarding storage of dirt on the site. He held that the storage would raise the flood plain level elevation and cause problems downstream.

Bill Clark, 73 Hillside Avenue, Pearl River; noted that the Saloon Restaurant Property has been flooded out and many times rebuilt. The project site had an application in 1985 of a trucking company that the Planning Board denied, so why would the Board approve it at this time. He felt that the Board should consider the opinion of the people.

Amy Bach, 25 Rollins Avenue, Pearl River; held that the Planning Board should follow the "Spirit" of the law when reviewing the project.

Tracy Hancock, 48 West George Street, Pearl River; requested clarification of a Zoning Board of Appeals decision.

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Andrew Wiley, a Pearl River resident; disagreed with the interpretation of a Zoning Board variance. He held that the Zoning Board of Appeals may have reviewed a different plan than the Planning Board when reviewing the project application. Mr. Wiley requested information regarding the acreage of the site and the need for the New York State Department of Environmental Conservation and the Army Corp of Engineers review and approvals.

Bridget Killen, 45-49 West Central Avenue, owner of the Saloon Restaurant; raised concerns regarding overdevelopment of the site and continued flooding of her property.

Carman Riley, 77 West Central Avenue, Pearl River; discussed flooding of Pearl River and requested that the Board review the project with this in consideration.

Mike Palko, 40 Rollins Avenue, Pearl River; submitted a letter to the Board. He raised concerns regarding the loss of trees on the site, increased noise to the area, increase stormwater runoff and damage to the community.

Lisa Robertson, 48 West Lewis Avenue, Pearl River; raised concerns regarding development of the site.

Eileen Emsworth, 117 East Carroll Street, Pearl River; discussed similar flooding to her property when the Cherry Brook flooded and damaged her house.

A motion was made to close the Public Hearing by Bruce Bond, and seconded by John Foody and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; Robert Dell, aye; John Foody, aye; Jeffrey Golda, aye and Michael Mandel, recused.

A motion was made to reopen the Public Hearing by Bruce Bond, and seconded by Robert Dell and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; Robert Dell, aye; John Foody, aye; Jeffrey Golda, aye and Michael Mandel, recused.

A motion was made to close the Public Hearing by Bruce Bond, and seconded by Jeffrey Golda and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; Robert Dell, aye; John Foody, aye; Jeffrey Golda, aye and Michael Mandel, recused.

**FINDINGS OF FACT:**

1. The Board found that the applicant received Preliminary Site Plan approval of a plan dated 8/29/07 by decision of this Board dated February 13, 2008. On May 22, 2013, the applicant presented revised plans for Final Site Plan review, with the revisions dated March 20, 2013. The revised plans included a significant change to the road layout and parking on the site.

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2. The Board found that the applicant changed what had been shown on the 8/29/07 plan as two, 2 lane roads running parallel to each other on the eastern side of Lot 1. One of the 2 lane roads serviced Lot 1 and the other serviced Lot 2. The 3/20/13 plan shows one 2 lane road servicing both lots. While this change might be preferable to the previous plan (see Item 41 in February 13, 2008 Decision), the new plan shows 71 parking spaces for the proposed building on Lot 1 directly off of this 2 lane road servicing both lots. The proposed use on Lot 1 is as a self-storage facility with 2 employees, requiring 1 parking spot. The 8/29/07 plan showed 7 parking spaces, which were in excess of what was required (See Item 40 in February 13, 2008 Decision). The 71 parking spaces shown on the 3/20/13 site plan are a significant change from what was previously shown and far in excess of what is required for the proposed use. The location for these 71 parking spaces presents a danger when backing out of the spots onto the road that is used for both sites, which is unnecessary given the proposed use at the site. This proposed parking does not provide for safe accessibility to the uses on the site. The applicant did not offer any alternatives such as parallel parking or temporary loading/unloading area for access to the storage facility, or take the opportunity that was afforded to address the Board's concerns regarding this significant change in the parking plan.
  
3. The Board found that the excess parking on Lot 1 would also have a negative impact upon the subject site as well as adjacent properties by having an unnecessary impact on the layout of impervious area. Rockland County Department of Planning indicated there was excess parking and recommended impervious area be reduced. (See note 7, 4/16/13 Department of Planning Letter) and the New York State Department of Transportation expressed concerns regarding the increase in parking (See note 2, 5/2/13 NYS DOT Letter). The proposed use of the building on Lot 1 does not call for this excessive parking and would adversely affect neighboring properties with perpetually empty parking areas which are of little to no value to the use on the subject property. Further, the area where these parking spaces are shown could better serve the site and lessen its impact on surrounding areas if these spaces were eliminated in favor of more natural landscape, creating less impervious area.

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4. The Board found that the proposed use on Lot 2 calls for 66 parking spaces according to the calculations of the Town Code as shown on the 3/20/13 plan. The 8/29/07 plan showed 110 spaces. The revised plan from 3/20/13 shows 104 parking spaces on Lot 2, which is still 38 more spaces than necessary, creating greater impervious surface than is necessary. (See also, Note 7, 4/16/13 RC Planning Letter and note 2, 5/13/13 NYS DOT Letter). The applicant did not provide an alternative such as "land banking" some of these spaces for future use, if necessary, or eliminating them all together. The parking on the east side of the building on Lot 2 is not far from a residential neighborhood beyond the railroad tracks and across the street (Railroad Avenue) from Lot 2. These spaces could have been eliminated to provide for screening and/or more of a buffer area between the commercial and residential area for aesthetic and noise concerns, or reduced in number. The applicant did not offer any alternatives for the parking configuration on Lot 2, or take the opportunity that was afforded to continue consideration of the matter to address this concern.
  
5. The Board expressed concerns about the size of the 82,750 square foot two story building located on Lot 1. This large size causes a greater impervious area in a location where there is concern for drainage impact upon the site and that of properties in the vicinity of this site. This would also have a negative impact on the health, safety and general welfare of the surrounding residential community. Given the proximity to numerous residential properties, the applicant was asked to consider an alternative to the size of the building so as to reduce the aesthetic impact upon neighboring properties, while still achieving the goals of the applicant. The applicant did not agree to adjourn the hearing for an opportunity to consider and/or present an alternative.
  
6. The Board found that the applicant showed only one means of access to the site. The Town of Orangetown Fire Inspector, in a letter dated 5/13/13, recommended that an "emergency vehicle only" access gate may be required to allow for secondary access. Such access, if feasible, must be shown on the site plan or alternatives provided, for the safety of the users of the site and responding emergency services personnel. The applicant did not provide such "emergency vehicle only" access, or demonstrate that same could be adequately addressed on the site plan.

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7. The Board requested that the applicant address its concerns regarding parking at the site, the size of the building, screening and related matters as set forth in the record of the proceedings before the Board on May 22, 2013. The applicant indicated that it did not wish to adjourn the proceedings to address these areas of concern and requested a vote on the plans "as is".

On the basis of the foregoing, including all of the submissions to the Board and all proceedings had before it at a public hearing on the matter on May 22, 2013, a motion was made to DISAPPROVE the Final Hillside Site Plan dated 3/20/13.

**DECISION: In view of the foregoing and the testimony before the Board, the application for FINAL SITE PLAN WAS DISAPPROVED.**

The foregoing Resolution was made and moved by Bruce Bond and seconded by Robert Dell and carried as follows: Bruce Bond, aye; Michael Mandel, recused; William Young, aye; John Foody, nay; Robert Dell, aye; Jeffrey Golda, aye and Kevin Garvey, 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 22, 2013  
Town of Orangetown Planning Board**

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Town of Orangetown Amendment to ACABOR #10-39 - January 13, 2011  
Architecture and Community Appearance Board of Review  
Hillside Commercial Park Plans - Site/Structure Plans

TO: Donald Brenner, P.E., LL.B., 4 Independence Avenue,  
Tappan, New York 10983  
FROM: Architecture and Community Appearance Board of Review

RE: An Amendment to ACABOR #10-39 Hillside Commercial Park Plans, the application of Route 304, LLC, owner, (Donald Brenner, Attorney for the applicant) for review of Site/Structure plans at a site known as "Hillside Commercial Park Plans" as shown on the Orangetown Tax Map as Section 68.16, Block 1, Lot 1 and Section 68.11, Block 3, Lots 39 & 40 in the LI zoning district.

Heard by the Architecture and Community Appearance Board of Review of the Town of Orangetown at meetings held Thursday, October 7 and November 4, 2010. This document further clarifies those proceedings.

**FINDINGS OF FACT:**

Revised #5. The Board discussed the construction of a 5 to 10 foot retaining wall to be placed approximately 12' to 13' from the eastern boundary line, to conform to the location shown on the approved drawing. The Board discussed that the root system of the trees in this 12' to 13'; are not to be disturbed and that the construction of the wall is to take into account the dripline of the trees. If the dripline is within the 12' to 13', then the wall will have to be further from the eastern boundary line, in accordance with Town of Orangetown Town Law. A retaining wall shall also be constructed on the north side of the site, as shown on the approved drawing. The manufacturer of the wall block will be Teno Block and the color will be brown.

New #10 (Rearranged Information). The Board found that there was also a discussion regarding the construction of a bridge over the wetlands leading to Route 304 as an alternate to the two roadways needed for security of the site.

**DECISION:** In view of the foregoing and the testimony before the Board, the application was **APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

Revised #3. The applicant shall construct a 5 to 10 foot retaining wall to be placed approximately 12' to 13' from the eastern boundary line, to conform to the location shown on the approved drawing. The root system of the trees in this 12' to 13'; are not to be disturbed and that the construction of the wall is to take into account the dripline of the trees. If the dripline is within the 12' to 13', then the wall will have to be further from the eastern boundary line, in accordance with Town of Orangetown Town Law. A retaining wall shall also be constructed on the north side of the site, as shown on the approved drawing. The manufacturer of the wall block will be Teno Block and the color will be brown.

The Clerk to the Board is hereby authorized, directed and empowered to sign this Amendment and file a certified copy in the Office of the Town Clerk and the Office of the Architecture and Community Appearance Board of Review.

Amendment Dated: January 13, 2011  
Town of Orangetown  
Architecture and Community Appearance Board of Review

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TO: Donald Brenner, P.E., LL.B., 4 Independence Avenue,  
Tappan, New York 10983  
FROM: Architecture and Community Appearance Board of Review

RE: Hillside Commercial Park Plans: The application of Route 304, LLC, owner, (Donald Brenner, Attorney for the applicant) for review of Site/Structure plans at a site known as "Hillside Commercial Park Plans", in accordance with Article 16 of the Town Law of the State of New York and Chapter 2 of the Code of the Town of Orangetown. The site is bound on the west by the Route 304 right of way, on the south by Hillside Avenue and on the east side by CSX railroad right of way, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.16, Block 1, Lot 1 and Section 68.11, Block 3, Lots 39 & 40 in the LI zoning district.

Heard by the Architecture and Community Appearance Board of Review of the Town of Orangetown at meetings held Thursday, October 7 and November 4, 2010, at which time the Board made the following determinations:

**October 7, 2010**

Donald Brenner, Stu Strow, Robert Bernstein and Edmund Lane appeared and testified for the applicant.

The Board received the following items:

1. Site Plans prepared by Brooker Engineering, dated August 28, 2007, last revision date of August 10, 2010:

Drawing T: Title Sheet

Drawing 1: Layout Plan

Drawing 2: Grading and Utility Plan (1 of 2)

Drawing 3: Grading and Utility Plan (2 of 2)

Drawing 4: Soil Erosion & Sediment Control Plan

Drawing 5: Landscaping & Lighting Plan

Drawing 6: Existing Condition

Drawing 7: Road 'B' Profiles

Drawing 8: Road 'A' Profiles

Drawing 9: Storm Drainage Profiles (1 of 2)

Drawing 10: Storm Drainage Profiles (2 of 2)

Drawing 11: Force Main Profiles

Drawing 12: Construction Details (1 of 2)

Drawing 13: Construction Details (2 of 2)

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2. Architectural Drawings prepared by Artistic Building Design Studio, signed and sealed by Robert Bernstein, R.A., dated June 11, 2010:

- A-1 of 7: Building #1 - Elevations
- A-2 of 7: Building #2 - Elevations
- A-3 of 7: Building #2 - Floor Plans
- A-4 of 7: Building #3
- A-5 of 7: Building #3 - Elevation Details
- A-6 of 7: Building #4 - Elevations
- A-7 of 7: Building #4 – Floor Plans

3. Color Schematic Design of Proposed Building prepared by Artistic Building Design Studio.

4. Copy of PB #07-45, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated February 13, 2008.

**FINDINGS OF FACT:**

1. The Board found that the property has been zoned LI for 50 years.
2. The Board found that the site has received drainage approval with conditions from the Planning Board's Drainage Consultant, Greater Hudson Engineering. The applicant appeared at the Planning Board for four meetings, received Preliminary Approval with Conditions and has obtained the needed Zoning Variances from the Zoning Board of Appeals.
3. The Board found that the proposed architectural plans include a south building of storage units to be rented out as modular.
4. The Board discussed Condition #41 of the Preliminary Planning Board Approval, regarding two roadways needed for security of the site and the removal of trees for construction of the roadways.
5. The Board discussed construction of a wall near the roadway, along the entire perimeter of the wetlands, 5 to 10 feet in height. There was also a discussion regarding the construction of a bridge over the wetlands leading to Route 304 as an alternate to the two roadways needed for security of the site.
6. The Board found that the applicant needed to revise the plans to comply with Condition #5 of the Preliminary Planning Board regarding the need for a 10 foot clearing line from the east side of the property line.

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7. The Board found that Condition #53 of the Preliminary Planning Board decision, regarding issues required by the Bureau of Fire Prevention, should be reviewed by the applicant in their design of the roadway and landscaping of the site.
8. The Board found that the lighting on the site should not shine onto the area properties. The lights should be down lighting.
9. The Board found that the applicant should review the relationship between the height of the structure, the height of the railroad tracks and the height of the proposed trees. The trees should be sufficient to screen the building.

The applicant requested a **CONTINUATION**.

**November 4, 2010**

Donald Brenner, Stu Strow, Robert Bernstein and Edmund Lane appeared and testified for the applicant.

The Board received the following items:

1. Site Plans prepared by Brooker Engineering, dated August 28, 2007, last revision date of October 19, 2010:
  - Drawing 7: Title Sheet
  - Drawing 1: Layout Plan
  - Drawing 2: Grading and Utility Plan (1 of 2)
  - Drawing 3: Grading and Utility Plan (2 of 2)
  - Drawing 4: Soil Erosion & Sediment Control Plan
  - Drawing 5: Landscaping & Lighting Plan
  - Drawing 6: Existing Condition
  - Drawing 7: Road Profiles (1 of 2)
  - Drawing 8: Road Profiles (2 of 2)
  - Drawing 9: Drainage Profiles
  - Drawing 10: Drainage and Sanitary Sewer Profiles
  - Drawing 11: Construction Details (1 of 2), revision date of August 10, 2010;
  - Drawing 12: Construction Details (2 of 2), revision date of August 10, 2010;

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2. Architectural Drawings prepared by Artistic Building Design Studio, signed and sealed by Robert Bernstein, R.A., dated June 14, 2010:

A-1 of 7: Building #1 - Elevations

A-2 of 7: Building #2 - Elevations

A-3 of 7: Building #2 - Floor Plans

A-4 of 7: Building #3

A-5 of 7: Building #3 - Elevation Details

A-6 of 7: Building #4 - Elevations

A-7 of 7: Building #4 - Floor Plans

**FINDINGS OF FACT:**

1. The Board found that the applicant redesigned the roadway system, and the building design and parking needed to be slightly redesigned. The materials remained the same as presented at the October 7<sup>th</sup> meeting. All four structures have exterior siding of brick and stone panels, manufactured by Nichiha. The base color will be in Canon Brown and the top color will be in Shell Brown. All buildings will have a stucco veneer for the details with accents of light beige on the fascia and dark color stucco bands with beige brown mixed in. The roofs will be EDPM rubber roofs in a black color. The only exceptions to the exterior finishes will be Building #2, the mini storage building which will have an overhang of a standing seam roof. Building #3 will have bronze finished glass doors.
2. The Board requested of the applicant that all the mechanical units spread out on the structures be placed behind the parapet or possibly placed in decorative towers in order to be sound proofed. The applicant shall return to the Board at a later date to present the mechanical equipment as a separate issue for review and approval.
3. The Board found that the retaining walls shall be placed along the eastern boundary line and also on the north side of the site. The manufacturer of the wall block will be Teno Block and the color will be brown.
4. The Board found that in redesigning the roadway, safety issues were of great concern to the developer. Parking spaces were added for users to be closer to the entrance of the building in order to avoid the traffic from the two lanes leading to Building #3.

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5. The Board found that the applicant agreed to remove all light fixtures on the east facing side of Buildings #2 and #3. In addition, the applicant agreed to reduce lighting after 10 p.m. The reduction in lighting would be in one of two methods, the one to be used is the one that would reduce ambient light the most in order to protect the surrounding community.

**Method #1:** That the light poles would contain two light fixtures, one that would be brighter to be used up to 10 p.m., the other that would be diminished lighting after 10 p.m.

**Method #2:** The light poles would be on until 10 p.m., after that hour every fourth light pole would be lit, this being done to diminish ambient light in the surrounding community.

6. The Board found that additional trees would be placed in front of the proposed buildings. Specifically, Building #3 would have a curbed island in front of each set of paired entrance doors that will contain a tree, for this purpose a decorative, flowering tree could be used or a maple or oak. Additionally, in front of Building #2, a minimum of six tree wells would be placed in front of entrance doors and the purpose of these wells is to plant trees, for this purpose a decorative, flowering tree could be used or a maple or oak tree. Trees would to be a minimum of 12' in height.

7. The Board found that the applicant agreed to extending the untouched tree buffer to ten feet from the property line on the East side of the property line starting with building #2. The applicant was reminded several times by the Board that this also required that the root systems of the trees within the 10 foot buffer cannot be disturbed, and was additionally reminded to adhere to the dripline rule for undisturbed trees, which in effect means that the ground cannot have any major construction work, earth removal, etc, to the outside length of the dripline of the trees that are in the ten foot buffer.

The trees to be saved are to be protected with snow fencing to the drip line during tree removal and construction. Additionally, the applicant agreed to plant evergreen trees in all areas that space allowed within the protected tree buffer and the dripline designated area. The purpose of these trees is to add as much screening to the site as possible. The trees are to be a minimum of 8' in height from the ground and as many trees as can be planted. The evergreen trees are to be planted staggered as to replicate natural setting as opposed to a straight line.

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8. The Board found that the applicant agreed to extending the untouched tree buffer to ten feet from the property line on the East side of the property from building #2 to the extreme North end of building #3. The applicant was reminded several times that this also required that the root systems of the trees within the 10 foot buffer cannot be disturbed, and was additionally reminded to adhere to the dripline rule for undisturbed trees. The trees to be saved are to be protected with snow fencing to the dripline during tree removal and construction. The applicant also agreed to replace the small junipers and small plants with a line of evergreen trees which are to be a minimum of 8' in height and planted 8 foot on center.

9. The Board found that the detail of the retaining wall on Sheet 12 needed to be corrected. The detail states "16 foot max", and needs to be changed to 10 foot maximum, or whatever the maximum number is.

10. The Board found that the Architectural Plans need to number and label the buildings, as referred to: The storage building just South of the detention basin is Building #1; The storage building just East of this is Building #2; the light industry building furthest North is Building #3 and the Security Residence building to the South is Building #4.

The hearing was then opened to the Public.

**Public Comments:**

Joann Dilozenso, 12 Moore Avenue, a registered Landscape Architect, submitted a letter to the Board and discussed the need for additional screening for the site.

Kevin Cristie, area resident, opposed the proposed development of the site.

Tracy Hancock, 48 West George Street, raised zoning concerns and requested that the Board not approve the project. She discussed lighting and noise issues.

Bill Clark 73 Hillside Avenue, raised concerns regarding flooding in the area of the development and held that the site was not buildable in 1985 and wanted to know what has changed since that time.

Lisa Sheridan, 48 West Railroad Avenue, expressed concerns regarding lights on the site and applicable Town Codes. She requested information regarding security of the site.

Debra Kurlzhal, 15 Moore Avenue, discussed the norway spruce trees that are no longer on the site and the topography of the site. She discussed the dangerous turning radius of the roadways in the area of the project.

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Richard Freu, Magnolia Street, opposed the project and requested the Board to disapprove the project.

Ms. Casteleiro, representing Ellen Jaffee, noted that a storage facility project was not an appropriate use for a residential neighborhood.

Joe Gallagher, 51 Buchanan Street, opposed the project and stated that the development was not suitable for Pearl River.

The Public Hearing portion of the meeting was closed.

**DECISION:** in view of the foregoing and the testimony before the Board, the application was **APPROVED SUBJECT TO THE FOLLOWING CONDITIONS**

1. All four structures have exterior siding of brick and stone panels, manufactured by Nichiha. The base color will be in Canon Brown and the top color will be in Shell Brown. All buildings will have a stucco veneer for the details with accents of light beige on the fascia and dark color stucco bands with beige brown mixed in. The roofs will be EDPM rubber roofs in a black color. The only exceptions to the exterior finishes will be Building #2, the mini storage building which will have an overhang of a standing seam roof. Building #3 will have bronze finished glass doors.
2. The applicant shall return to the Board at a later date to present the roof mechanical equipment as a separate issue for review and approval.
3. Retaining walls shall be placed along the eastern boundary line and also on the north side of the site. The manufacturer of the wall block will be Teno Block and the color will be brown.
4. The applicant agreed to remove all light fixtures on the east facing side of Buildings #2 and #3. In addition, the applicant agreed to reduce lighting after 10 p.m. The reduction in lighting would be in one of two methods, the one to be used is the one that would reduce ambient light the most in order to protect the surrounding community.  
Method #1: That the light poles would contain two light fixtures, one that would be brighter to be used up to 10 p.m., the other that would be diminished lighting after 10 p.m.  
Method #2: The light poles would be on until 10 p.m., after that hour every fourth light pole would be lit, this being done to diminish ambient light in the surrounding community.

TOWN OF ORANGETOWN  
2010 DEC 1 PM 1:27  
TOWN CLERKS OFFICE

ACABOR #10-39  
Town of Orangetown – Architecture and Community Appearance  
Board of Review Decision

Hillside Commercial Park Plans –  
Site/Structure Plans  
November 4, 2010  
Page 8 of 9

5. Additional trees shall be planted in front of the proposed buildings. Specifically, building #3 will have a curbed island in front of each set of paired entrance doors that will contain a tree, for this purpose a decorative, flowering tree could be used or a maple or oak. Additionally, in front of building #2, a minimum of six tree wells will be placed in front of entrance doors and the purpose of these wells is to plant trees, for this purpose a decorative, flowering tree could be used or a maple or oak tree. Trees are to be a minimum of 12' in height.
  
6. The applicant agreed to extending the untouched tree buffer to ten feet from the property line on the East side of the property line starting with Building #2. The applicant was reminded by the Board several times that this also required that the root systems of the trees within the 10 foot buffer cannot be disturbed, and was additionally reminded to adhere to the dripline rule for undisturbed trees, which in effect means that the ground cannot have any major construction work, earth removal, etc, to the outside length of the dripline of the trees. The trees to be saved are to be protected with snow fencing to the drip line during tree removal and construction. Additionally, the applicant agreed to plant evergreen trees in all areas that space allowed within the protected tree buffer and the dripline designated area. The purpose of these trees are to add as much screening to the site as possible. The trees are to be a minimum of 8' in height from the ground and as many trees as can be planted. The evergreen trees are to be planted staggered as to replicate natural setting as opposed to a straight line.
  
7. The applicant agreed to extending the untouched tree buffer to ten feet from the property line on the East side of the property from Building #2 to the extreme North end of Building #3. The applicant was reminded several times that this also required that the root systems of the tree within the 10 foot buffer cannot be disturbed, and was additionally reminded to adhere to the dripline rule for undisturbed trees. The trees to be saved are to be protected with snow fencing to the dripline during tree removal and construction. The applicant also agreed to replace the small junipers and small plants with a line of evergreen trees which are to be a minimum of 8' in height and planted 8 foot on center.

TOWN OF ORANGETOWN  
2010 DEC 1 PM 1:24  
TOWN CLERKS OFFICE

ACABOR #10-39  
Town of Orangetown – Architecture and Community Appearance  
Board of Review Decision

Hillside Commercial Park Plans –  
Site/Structure Plans  
November 4, 2010  
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8. The detail of the retaining wall on Sheet 12 shall be corrected. The detail states "16 foot max", and shall be changed to 10 foot maximum, or whatever the maximum number is.
9. The Architectural Plans shall be numbered and the buildings shall be labeled, as referred to: The storage building just South of the detention basin is Building #1; The storage building just East of this is Building #2; the light industry building furthest North is Building #3 and the Security Residence building to the South is Building #4.
10. Trees to be saved shall be protected with snow fencing to the drip line during construction.
11. No grading is to take place within five feet of any property line, except as specified on the approved site plan.

The foregoing resolution was presented and moved by Jack Messina and seconded by James Dodge and carried as follows; James Dodge, aye; Dan Sherman, nay; Michael Bosco, nay, Jack Messina, aye; Paul Papay, aye; Jill Fieldstein, aye and Larry Vall, nay.

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 Architecture and Community Appearance Board of Review.

Dated: November 4, 2010  
Town of Orangetown  
Architecture and Community Appearance Board of Review



TOWN OF ORANGETOWN  
2010 DEC 31 PM 1:28  
TOWN CLERKS OFFICE



DECISION

**NEW YORK TOWN LAW SECTION 280-a EXCEPTION GRANTED;  
INTERPRETATION: REQUESTED USE PERMITTED WITH CONDITIONS**

To: Donald Brenner (Hillside Commercial Park)  
21 East Central Avenue  
Pearl River, New York 10965

ZBA # 08-06  
Date: 1/ 16/ 08

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#08-06: Application of Hillside Commercial Park for an exception pursuant to New York Town Law, Section 280-a (Relation of structure to streets or highways) for proposed lot #2 and the LI District allows "Wholesale sales or storage and warehouses" by Right, however "self-storage" is not specifically addressed in the Zoning Code; therefore the Director recommends that the applicant obtain an interpretation from Zoning Board of Appeals for the proposed self storage use. An interpretation for use of the existing building as an office for the storage unit business and a residence for the security guard for the business. The site is located on the east side of Route 304 at the intersection of Hillside Avenue, Pearl River, New York, and are identified on the Orangetown Tax Map as Section 68.16, Block 1, Lot 1; and Section 68.11, Block 3, Lots 39 & 40; LI zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, January 16, 2008 at which time the Board made the determination hereinafter set forth.

Ed Lane, James Tanner, Architect, and Donald Brenner, Attorney, appeared and testified.

The following documents were presented:

1. Subdivision plan for Hillside Commercial Park signed and sealed by Jay Greenwell dated June 1, 2007.
2. Hillside Commercial Park plans dated 11/28/07 revised 12/13/07 signed and sealed by Brian Brooker, P.E., and titled as follows:
  1. Title sheet
  1. Layout plan
  2. Grading and Utility Plan (1 of 2)
  3. Grading and Utility Plan (2 of 2)
  4. Off-site Utility
  5. Soil Erosion & Sediment Control Plan
  6. Landscaping and Lighting Plan
  7. Exiting Conditions
  8. Road Profiles
  9. Road Profiles
  10. Drainage Profiles
  11. Sanitary Sewer Profiles
  12. Construction Details
  13. Construction Details
3. Two memorandums dated October 10, 2007 from John Giardello, Director, OBZPAE, Orangetown.
4. A letter dated January 3, 2008 from the County of Rockland Department of Highways signed by Joseph Arena, Principal Engineering Technician.
5. A letter dated January 8, 2008 from the County of Rockland Drainage Agency signed by Kent Rigg, P.E., Rockland County Drainage Agency.
6. A letter dated January 16, 2008 from the County of Rockland Department of Planning signed by Salvatore Corallo, Commissioner of Planning.

On advice of Mr. Mulhearn, Attorney to the Zoning Board of Appeals, Mr. Mowerson moved for a Board determination that the Zoning Board of Appeals consented to the Orangetown Planning Board acting as Lead Agency under SEQRA regulations on September 5, 2007 and the Planning Board will be responsible for the required SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Mowerson, aye. Mr. Doherty and Ms. Albanese were absent.

Donald Brenner, Attorney, testified that the property runs along State Route 304; that the state will not permit another entrance onto Route 304; that the proposed lot #2 requires an exception from New York Town Law 280-a for that reason; that the second reason they are before the Board is for an interpretation regarding this kind of warehouse/storage; that the LI zone permits warehousing but there is nothing specific regarding this type of warehousing; that there is nothing contrary to it either; that they are also requesting to permit an office with a residence above for security purposes; that the hours of operation would be 24 hours a day; that it is not the type of business that generates noise and it is not unsightly; that this property abuts the railroad and a state road; that there will be one major ingress/egress with a security gate across from the Pearl River Fire Department; and the Planning Board gave the applicant permission to come to the Zoning Board for the variance and interpretation before drainage approval was granted.

James Tanner, Architect, testified that he designed another facility like this one up in Spring Valley and there is a residence there as well for security, renting spaces and certain aspects of maintenance.

Ed Lane testified that the storage areas have not been broken up into individual storage spaces yet; that there is 106,000 sq. ft of storage space to be broken down into units; that the security system would be automated; and that there would be a manager on-site but his family would also be involved in managing the property.

Public Comment:

No public comment.

The Board members made personal inspections of the premises the week before the meeting and found them to be properly posted and as generally described on the application.

A satisfactory statement in accordance with the provisions of Section 809 of the General Municipal Law of New York was received.

TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN

**FINDINGS OF FACT AND CONCLUSIONS:**

After personal observation of the property, hearing all the testimony and reviewing the documents presented, the Board found and concluded that:

1. The requested New York Town Law § 280-a exception and interpretation regarding storage/warehouse facilities and residential unit for security in favor of the application would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties.
2. This property is located in the LI zone and is wedged between State Route 304 and the railroad.
3. The office/residential unit shall be inhabited by the on site manager of the warehouse/storage unit business only, but only provided that the premises continue to be used for storage/warehouse purposes, and the storage/warehouse facilities on the premises remain operational.
4. The requested New York Town Law § 280-a exception and interpretation regarding storage/warehouse facilities and residential unit for security in favor of the application would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. The benefits sought cannot be achieved by other means feasible for the applicant other than obtaining an interpretation and New York Town Law § 280-a exception.

**DECISION:** In view of the foregoing and the testimony and documents presented, the Board: **RESOLVED**, that the application for the requested New York Town Law § 280-a exception and interpretation regarding storage/warehouse facilities and residential unit for security is **APPROVED**; and **FURTHER RESOLVED**, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

**General Conditions:**

(i) The approval of any variance or Special Permit is granted by the Board in accordance with and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.

(ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.

(iii) The Board gives no approval of any building plans, including, without limitation, the accuracy and structural integrity thereof, of the applicant, but same have been submitted to the Board solely for informational and verification purposes relative to any variances being requested.

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TOWN OF HILLSDALE

(iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time following the filing of this decision and prior to undertaking any construction contemplated in this decision. To the extent any variance or Special Permit granted herein is subject to any conditions, the building department shall not be obligated to issue any necessary permits where any such condition imposed should, in the sole judgment of the building department, be first complied with as contemplated hereunder. Occupancy will not be made until, and unless, a Certificate of Occupancy is issued by the Office of Building, Zoning and Planning Administration and Enforcement which legally permits such occupancy.

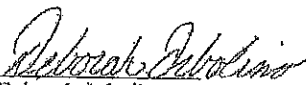
(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit with respect to construction or a Certificate of Occupancy with respect to use does not constitute "substantial implementation" for the purposes hereof.

The foregoing resolution to approve the application for the requested New York Town Law § 280-a exception and interpretation regarding storage/warehouse facilities and residential unit for security was presented and moved by Mr. Sullivan, seconded by Ms. Castelli, and carried as follows: Mr. Sullivan, aye; Mr. Mowerson, aye; and Ms. Castelli, aye. Mr. Doherty and Ms. Albanese were absent

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: January 16, 2008

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By   
Deborah Arboline  
Administrative Aide

DISTRIBUTION:

APPLICANT  
ZBA MEMBERS  
SUPERVISOR  
TOWN BOARD MEMBERS  
TOWN ATTORNEY  
DEPUTY TOWN ATTORNEY  
OBZPAE  
BUILDING INSPECTOR -L.P.

TOWN CLERK  
HIGHWAY DEPARTMENT  
ASSESSOR  
DEPT. of ENVIRONMENTAL  
MGMT. and ENGINEERING  
FILE ZBA, # 08-06  
CHAIRMAN, ZBA, PB, ACABOR

8 FEB 26 10:13

TOWN OF ORANGETOWN

TOWN OF ORANGETOWN  
PLANNING BOARD DECISION

Hillside Commercial Park Site Plan  
Preliminary Approval  
Subject to Conditions/ Neg. Dec.

PB #07-45  
February 13, 2008  
Page 1 of 15

TO: Donald Brenner  
4 Independence Avenue  
Tappan, NY 10983

FROM: Orangetown Planning Board

RE: The application of Route 304, L.L.C, owner for Prepreliminary/Preliminary Site Plan Review to construct a 68,000 square foot two story building on the northerly parcel, and two buildings on the southerly parcel. One of the buildings on the southerly parcel will be 24,000 square feet, one story self storage building. The second building will be an 82,750 square foot two story self storage building. The Site Plan will be known as "Hillside Site Plan", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the code of the Town of Orangetown. The site is located on the west side of Route 304 right of way on the south by Hillside Avenue and on the east by the CSX railroad right of way, Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 68.16, Block 1, Lot 1 and Section 68.11, Block 3, Lots 39 & 40; LI zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held July 11, October 10, December 12, 2007 and February 13, 2008, at which time the Board made the following determinations:

July 11, 2007

Donald Brenner, Jay Greenwell, James Tanner, Edmund Lane and Stuart Strow appeared and testified for the applicant. The Board received the following information.

1. A Project Review Report dated July 5, 2007.
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 July 11, 2007.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 5, 2007.

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TOWN OF ORANGETOWN

4. A letter from HDR/LMS signed by Harvey Goldberg, signed by Harvey M. Goldberg, P.E., Project Manager, dated June 22, 2007.
5. Letters from the Rockland County Department of Planning, signed by Eileen Miller, dated July 9, 2007 and Salvatore Corallo, Commissioner of Planning, dated July 6, 2007.
6. A letter from Rockland County Highway Department, signed by Joseph Arena, Principal Engineering Technician, dated July 5, 2007.
7. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated June 19, 2007.
8. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 15 and 18, 2007.
9. A letter from the Rockland County Sewer District #1, signed by Joseph LaFandra, Engineer II, dated June 22, 2007.
10. Letters from the New York State Department of Transportation, signed by Mary Jo Russo, dated June 15, 2007.
11. A Short Environmental Assessment Form signed by Edmund Lane, dated June 11, 2007.
12. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 11, 2007, with an attachment of Part II of the Full Environmental Assessment Form.
13. A Subdivision Plan prepared by Brooker Engineering, dated June 1, 2007.
14. Drainage Analysis prepared by Brooker Engineering, dated August 29, 2007.

The Board discussed the plans and information.

The applicant requested a CONTINUATION of the application in order to fulfill the requests of the Board.

**October 10, 2007**

Donald Brenner, James Tanner, Edmund Lane and Stuart Strow appeared and testified for the applicant. The Board received the following information.

1. A Project Review Report dated October 3, 2007.
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 October 10, 2007.
3. An interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering, dated October 5, 2007.

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4. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated October 2, 2007.
5. A copy of a Rockland County Drainage Agency Stream Control Act Permit Application Notice of Receipt, dated October 1, 2007.
6. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated September 14, 2007.
7. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, dated September 27, 2007.
8. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated September 21, 2007.
9. Site Plans prepared by Brooker Engineering, dated August 28, 2007:  
Drawing T: Title Sheet  
Drawing 1: Layout Plan  
Drawing 2: Grading and Utility Plan (1 of 2)  
Drawing 3: Grading and Utility Plan (2 of 2)  
Drawing 3A: Off-Site Utility Plan  
Drawing 4: Soil Erosion & Sediment Control Plan  
Drawing 5: Landscaping & Lighting Plan  
Drawing 6: Road Profiles (1 of 2)  
Drawing 7: Road Profiles (2 of 2)  
Drawing 8: Drainage Profiles  
Drawing 9: Construction Details  
Drawing 10: Construction Details
10. Letters from HDR/LMS, signed by Harvey M. Goldberg, P.E., Project Manager, dated October 1 & 8, 2007.

The Board discussed the plans and information.

The applicant requested a CONTINUATION of the application in order to fulfill the requests of the Board.

December 12, 2007

Donald Brenner, James Tanner, Edmund Lane and Stuart Strow appeared and testified for the applicant. The Board received the following information.

1. A Project Review Report dated November 7, 2007.
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 November 14, 2007.
3. A letter from Greater Hudson Valley Engineering and Land Surveying, signed by Thomas Vanderbeek, President, dated October 10, November 27 and December 12, 2007.

TOWN CLERK

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TOWN OF ORANGETOWN

**Public Comment:**

Walter Pfannenberger, an abutting property owner, raised concern regarding the drainage runoff and redesign of the roadway access to the site.

A motion was made REFER THE APPLICATION TO THE TOWN OF ORANGETOWN ZONING BOARD OF APPEALS TO SEEK THE NEEDED ZONING VARIANCES by Kevin Garvey seconded by Anthony Iurica and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; John Foody, aye; William Young, aye; Robert Dell, aye; Jeffrey Golda, absent and Kevin Garvey, aye.

The applicant requested a CONTINUATION of the application in order to fulfill the requests of the Board.

**February 13, 2008**

Donald Brenner, James Tanner, Edmund Lane and Stuart Strow appeared and testified for the applicant. The Board received the following information.

1. A Project Review Report dated February 6, 2008.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardello, P.E., Director, dated February 13, 2008.
3. A letter from Greater Hudson Valley Engineering and Land Surveying, signed by Thomas Vanderbeek, President, dated January 31, 2008.
4. A letter from Pearl River Industrial Terminal, Inc., signed by Walter Pfannenberger, dated February 11, 2008.

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 seconded by Anthony Iurica carried as follows: Bruce Bond, aye; Anthony Iurica, aye; John Foody, aye; William Young, aye; Robert Dell, aye; Jeffrey Golda, aye, and Kevin Garvey, 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 Anthony Iurica and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; William Young, aye; Robert Dell, aye; John Foody, aye; Jeffrey Golda, aye and Kevin Garvey, aye the Board declared itself Lead Agency.

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TOWN OF ORANGETOWN



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:

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

On motion by Bruce Bond and seconded by Anthony Iurica and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; Robert Dell, aye; John Foody, aye; William Young, aye; Jeffrey Golda, aye and Kevin Garvey, aye the Board made a Negative Declaration.

**DECISION:** In view of the foregoing and the testimony before the Board, the application was GRANTED A PRELIMINARY SITE APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. Signs shall be placed as requested by Walter Pfaffenberger, Pearl River Industrial Terminal, Inc. as follows: (#1) for those existing the complex, two no left turn signs, one on each side of the roadway be installed, and (#2) Install a "No-right turn" sign from the Pearl River Industrial Terminal complex to the Hillside complex.

TOWN OF ORANGETOWN

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TOWN OF ORANGETOWN

4. The applicant shall revise the entryway as per the Pearl River Industrial letter of February 11, 2008, (#3): The curb line on the east side of the entrance should be straight instead of flared, again to deter unwanted exiting traffic, and (#4) the east side of the entrance near the proposed catch basin and where the property lines join, check the existing and proposed elevations, a revision is needed.
5. Establish a Clearing Limit Line 10 feet from the easterly property line on the Site Plan.
6. Applicant shall take the placement of Speed Bumps on the site under advisement from the Planning Board, however, is not required to place Speed Bumps in on the Site Plan.
7. The applicant requested to store "Dirt" on the site prior to having the Site Plan signed. The Board conditioned the approval of storage of the earth on the site upon the submission of a proper SWFF that is not in conflict with the Wetlands, and that would be subject to review and approval of the Building Inspector of the Town of Orangetown Department of Building, Zoning, Planning Administration and Enforcement.
8. The Site Plan, proposed architectural drawings, and landscaping plans requires review and approval by the Town of Orangetown Architecture and Community Appearance Board of Review.
9. Items numbers 5, 6, 8 10 and 12 of the Short Environmental Assessment Form need to be completed.
10. All easements need to be shown on the Site Plan.
11. Approval from the U.S. Army Corp of Engineers needs to be provided based on the encroachment into the wetlands.
12. The purpose of the underground water well and the owner shall be disclosed. More details shall be provided.
13. Approval from the New York State Department of Transportation (NYSDOT) shall be obtained for the construction of the off site utilities through the Route 304 right of way.
14. All dimensions of parking spaces, driveway, etc. need to be labeled on the Site Plan.
15. The Landscaping Plan and Lighting Plan shall be reviewed and approved by the Town of Orangetown Architecture and Community Appearance Board of Review.
16. All handicap details need to be provided such as drop curbs, signage, etc.
17. A note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.
18. The location of the proposed sanitary building connection, for the proposed self storage building, shall be shown on the Site Plan, if applicable.

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TOWN OF ORANGETOWN

19. Sanitary calculations for the proposed buildings as well as the design calculations for the proposed sanitary pumping station, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval.
20. The drainage calculations are currently under review by DEME.
21. The Soil Erosion and Sediment Control Plans and Details are currently under review by DEME.
22. Post construction stormwater maintenance agreement(s) in accordance with New York State Department of Environmental Conservation Phase II regulations, for the proposed stormwater system(s) shall be submitted to DEME and the Town of Orangetown Town Attorney's Office for review and approval, in substance and form. Said agreement(s) shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc.
23. Profiles for the proposed sanitary sewer and force main shall be added to the plans.
24. The applicant shall demonstrate, to the satisfaction of the Town Attorney's Office, the ability to obtain easements for the proposed force main, water and gas lines.
25. Iron pipes shall be drawn and labeled at each property corner.
26. The proposed driveway access onto Hillside Avenue shall be shifted north easterly, approximately 5 feet, away from the property line.
27. The Drainage Consultant to the Planning Board recommends acceptance of the drainage design subject to the letter dated January 31, 2008, from Greater Hudson Valley, signed by Thomas B. Vanderbeek, P.E., President. This is the third time the consultant has seen this project and most of the comments have been addressed. Of the thirteen comments listed in their January 31, 2008 document, seven (#s 4, 5 and 9-13) have been addressed by the applicant and are considered closed, two (#s 3 and 8) will be addressed during the NYSDEC sixty day review period, three (#s 1, 6 and 7) will be addressed by the applicant during preparation of the full SWPPP and the last (#2) is a recommendation that can be addressed during the construction process. Therefore, the drainage submission is complete enough for the Consultant to recommend acceptance of the drainage at this time. The Consultant offered the following new comments in it's January 31, 2008 review:

TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN

Continuation of Condition #27.....

Jan 31<sup>st</sup> letter comment #1: The forebays have been provided for each inflow point on the plan set. However, the Development Conditions Drainage Plan should be updated to match the plan set. This may be addressed when the full SWPPP is prepared.

Jan 31<sup>st</sup> letter comment #2: A proposed fence has been added in the area between the two buildings. During construction, the existing fence along the west side of the pond should be inspected and repaired as necessary.

Jan 31<sup>st</sup> letter comment #4: The applicant has stated that easements for maintenance of the detention pond have been added to the subdivision plan. This is also stated on note no. 23 on the Title Sheet. No further comment necessary.

Jan 31<sup>st</sup> letter comment #5: The applicant has stated that the party responsible for maintenance of the pond, the property owner, is satisfied that maintenance personnel can access the detention basin without undue difficulty. No further comment necessary.

Jan 31<sup>st</sup> letter comment #7: Temporary sediment basin calculations have been provided, however the Design Data Sheet provided does not correspond with the standard sheet on Page 5A, 54 of the New York State Standards and Specifications for Erosion and Sediment Control, August 2005. The correct form should be added to the report. This may be provided when the SWPPP is prepared.

28. A review shall be completed by the New York State Department of Transportation and any required permits obtained.
29. A review shall be completed by the U.S. Army Corps of Engineers and all required permits obtained.
30. A review shall be completed by the New York State Department of Environmental Conservation and all required permits obtained.
31. A review shall be completed by the Rockland County Department of Health and all required permits obtained. The review shall include the proposed underground water well and its easement.
32. Wetlands to be preserved and any wetland buffers or setbacks shall be shown as Conservation Areas on the Site Plan.

TOWN CLERK'S OFFICE

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TOWN OF ORANGE TOWN

33. All wetland and wetland buffer areas to be preserved shall be clearly marked in the field prior to any clearing or construction. Notes shall be placed on the Subdivision plat regarding this field-marking requirement, as well as to explain the long-term use restrictions for these areas including that no accessory structures shall be placed in these areas.

34. Notes explaining the entity with maintenance responsibilities for the proposed well, its associated easement, the combination utilities/ingress/egress easement, and any other easements and common improvements, including the detention basin, shall be provided on the site plan.

35. Any public sewer mains requiring extensions within a right of way or an easement shall be reviewed and approved by Rockland County Health Department prior to construction.

36. Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages and County with an adequate supply of water. A letter from the public water supplier, stamped and sealed by a NYS licensed professional engineer, shall be issued to the municipality for this project, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

37. If any public water supply improvements are required, engineering plans and specification for these improvements shall be reviewed by the Rockland County Department of Health, prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

38. Soil Erosion and Sediment Soil Erosion and Sediment Control Plans and details shall be submitted to the Town of Orangetown Department of Environmental Management and Engineering for review and approval. The Soil Erosion and Sediment Control Plan shall meet the NYS Guidelines for Urban Erosion and Sediment Control.

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39. There shall be no net increase in storm water runoff from the site.
40. Rockland County Department of Planning notes that approximately seventy percent more parking spaces are proposed than are required. If there is any question regarding whether all of this parking will definitely be needed, it is recommended that the applicant and Planning Board consider land banking a portion of the spaces so as to possibly avoid unneeded impermeable area.
41. The access road to Lot #2 and the parallel drive around the lower building on Lot #1 seems to be redundant. It appears that it would be better to combine the roads, thereby reducing impervious area and making area available for landscaping and other uses. It is recommended that this be considered by the applicant.
42. A narrative and other information shall be provided explaining how the overall stormwater management system for the two proposed lots will be designed and maintained.
43. The Town shall be satisfied that the landscape and lighting plans meet all Town of Orangetown requirements.
44. A review shall be completed by the Rockland County Office of Fire and Emergency Services and any concerns addressed.
45. The fire zones must be clearly marked on the Site Plan. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.
46. The fire department connections shall be designated on the Site Plan and kept clear for easy access by the emergency response vehicles.
47. A Legend shall be added to the Site Plan to explain the various symbols.
48. The Rockland County Department of Highways reviewed the Subdivision Plan and information and found that the project should have not foreseeable adverse effect upon County Roads in the area.
49. Based upon the Rockland County Drainage Agency's (RCDA) evaluation of available mapping and the information submitted, it has been determined that the proposed activity is within the jurisdiction of the RCDA. Accordingly, a permit from the RCDA pursuant to Chapter 846, Rockland County Stream Control Act, is required. The applicant shall submit an application to RCDA immediately.
50. The Rockland County Department of Health (RCDOH) reviewed the plans and provided the following comments:
- A Transportation Corporation must be formed in accordance to Article 10, "Sewage-Works Corporations" of the New York State Transportation Corporation Law. A detailed review will be conducted when the formal application is made to RCDOH.
  - Application is to be made to the RCDOH for a water main extension. This application is to be made through United Water New York.
  - Separate application is to be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito Code Contact Brian Hunderfurd at RCDOH to coordinate.

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51. 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.

52. The New York State Department of Transportation (NYSDOT) reviewed the Site Plan and at this time recommends the following:

- A Traffic Study shall be submitted to determine the impact on the intersection of Hillside and Route 305.
- A drainage study shall be submitted to NYSDOT for review.
- The offset of the proposed entrance with the intersection of Route 304 shall be shown on the Site Plans.

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

- All roadways, turnarounds, etc. must provide a proper turning radius to accommodate a 55 foot long piece of fire apparatus with a wheelbase of 254 inches.
- All roadways must be a minimum of 20 feet in width with vertical clearance of 13 feet 6 inches.

- Bridges, culverts, elevated surfaces shall comply with the following:

Where a bridge or an elevated surface is a part of a fire apparatus access road the bridge shall be constructed and maintained in accordance with AASHTO Standard Specification for Highway Bridges. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by Fire Inspector. Where elevated surfaces designed for emergency vehicles use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the Fire Inspector.

- Fire hydrants shall be provided with a maximum spacing of 500 feet between each. Public hydrants connected and maintained by United Water, shall be shown on the Site Plan.

- Provide proper Architectural drawings of the proposed structures.
- Install and maintain fire sprinkler systems as per NFPA 13.
- Install and maintain fire alarm systems as per NFPA 72. In addition, fire alarm systems are to be addressable and transmit in contact ID format to 44-Control.
- Fire alarm systems are required to have exterior mounted amber strobe light for Activation of detection devices and manual pull stations. In addition, a red strobe light shall be installed on the exterior to indicate sprinkler water flow. The location for the strobe lights shall be determined by the Town of Orangetown Fire Inspector.

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Continuation of Condition #53.....

- Key boxes for Fire Department access shall be installed on each building in a location to be determined by a Town of Orangetown Fire Inspector. An Order Form shall be provided by a Fire Inspector.
- Five inch Storz fire department connections for the fire sprinkler systems shall be provided in a location to be determined by the Town of Orangetown Fire Inspector. In addition, a sign indicating "FDC" in six inch red reflective letters shall be installed at a minimum of four feet above the connection.
- Portable fire extinguishers shall be installed and maintained as per NFPA 10.
- Upon review of structural drawings, a determination shall be made as to the requirements of a standpipe system.
- It appears that a four inch water main may be inadequate to support fire flows. The applicant shall provide certified documentation of such.
- Apply for and maintain a Certificate of Compliance Fire Safety.

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

- Rockland County Department of Planning
- Rockland County Department of Health
- Rockland County Drainage Agency
- Rockland County Sewer District #1
- New York State Department of Transportation

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

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

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

58. 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

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Continuation of Condition #58...

- 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 ¼ 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 walled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

59. 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.

60. 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.

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

62. 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

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**Continuation of Condition #62...**

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).

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

64. 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

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

The foregoing Resolution was made and moved by Bruce Bond and seconded by Anthony Iurica and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; William Young, aye; John Foody, aye; Robert Dell, aye; Jeffrey Golda, aye and Kevin Garvey, 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: February 13, 2008

*Cheryl Cooper Smith*

TOWN OF ORANGETOWN  
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TOWN OF ORANGETOWN

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

Hillside Commercial Park Site Plan  
Preliminary Approval  
Subject to Conditions/Neg. Dec.

PB #07-45  
February 13, 2008  
Page 15 of 15

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: Hillside Commercial Park 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 on the west side of Route 304 right of way on the south by Hillside Avenue and on the east by the railroad right of way, Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 68.16, Block 1, Lot 1 and Section 68.11, Block 3, Lots 39 & 40; L1 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 Giardello, 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

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