

**Meeting of June 22, 2016  
Town of Orangetown Planning Board**

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

**MEMBER ABSENT:** Robert Dell and Thomas Warren

**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>628 Route 303 Internal Commercial Subdivision Plan</b> Prepreliminary/ Preliminary/ Final Plan and SEQR Review 628 Route 303, Blauvelt 65.14/1/9; LI zoning district	<b>Preliminary Commercial Subdivision Plan Approval Subject to Conditions/ Neg. Dec.</b>	<b>PB #16-32</b>
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<b>Kreiger Minor Subdivision Plan</b> Prepreliminary/ Preliminary/ Final Subdivision Plan and SEQR Review 27 Sunrise Lane, Pearl River 69.18/3/43; R-15 zoning district	<b>Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.</b>	<b>PB #16-33</b>
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<b>Sambrotto Performance Bond</b> Recommendation to the Town Board to Establish the Value and Term of the Performance Bond 34 Clausland Mountain Road, Blauvelt 70.15/2/11; R-40 zoning district	<b>Postponed</b>	<b>PB #16-34</b>
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<b>Organic Recycling Site Plan</b> Prepreliminary/ Preliminary Site Plan and SEQR Review 121 Route 303, Orangeburg 74.19/1/3; LI zoning district	<b>Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.</b>	<b>PB #16-35</b>
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<b>RRIS Corp. Site Plan</b> Prepreliminary/ Preliminary Site Plan and SEQR Review 1Route 340, Orangeburg 74.11/2/26; CC zoning district	<b>Postponed</b>	<b>PB #16-36</b>
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**Continued items from April 13, 2016**

<b>Bailey's Smoke House Resubdivision Plan</b> Prepreliminary/ Preliminary/ Final Resubdivision Plan and SEQRA Review 132 and 136 Erie Street, Blauvelt 70.14/4/5 & 6; CS zoning district	<b>CONTINUED: July 13, 2016 Meeting</b>	<b>PB #11-49</b>
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<b>Bailey's Smoke House Site Plan</b> Prepreliminary/ Preliminary Site Plan and SEQRA Review 132, 136 & 140 Erie Street, Blauvelt 70.14/4/5, 6 & 7; CS zoning district	<b>CONTINUED: July 13, 2016 Meeting</b>	<b>PB #11-50</b>
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The decisions of the May 25, 2016 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Stephen Sweeney and seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; William Young, aye; Thomas Warren, absent; Robert Dell, absent; 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 Stephen Sweeney and seconded by William Young and agreed to by all in attendance. The meeting was adjourned at 9:55 p.m. The next Planning Board meeting is scheduled for July 13, 2016.

**DATED: June 22, 2016**  
**Cheryl Coopersmith**  
**Chief Clerk Boards and Commissions**

*Cheryl Coopersmith*

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

RE: 628 Route 303 Internal Commercial Subdivision Plan: The application of Jennifer Chaitin, owner, for Prepreliminary/ Preliminary/ Final Internal Commercial Subdivision Plan Review at a site to be known as “**628 Route 303 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 628 Route 303, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.14, Block 1, Lot 9 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, June 22, 2016**, the Board made the following determinations:

The Board received the following communications:

1. Project Review Committee Report dated June 15, 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 June 22, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 5, 2016.
4. Letters from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated June 6, 2016 and Arlene Miller dated June 3, 2016.
5. A letter from Rockland County Highway Department, signed by Sonny Lin, P.E., dated June 8, 2016.
6. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 16, 2016.
7. A letter from Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated May 23, 2016.
8. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer I, dated May 13, 2016.
9. A letter from the Town of Orangetown Zoning Board of Appeals signed by Dan Sullivan, Chairman, dated May 18, 2016.
10. A letter from the Town of Clarkstown Planning Board signed by Shirley Thormann, Chairwoman, dated May 31, 2016.

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11. A Short Environmental Assessment Form, dated April 19, 2016.
12. Subdivision Plans prepared by Hess Architects dated July 20, 2015, revised August 11, 2015.
13. Survey of Property prepared by Steven Collazuol, PLS, dated April 13, 2015, last revised 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 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, absent; Thomas Warren, absent 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 William Young and seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, absent; Thomas Warren, absent 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 Hess Architects and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested

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agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Drainage Agency, Rockland County Department of Planning, Rockland County Sewer District No.1, Rockland County Department of Health, Rockland County Highway Department and having reviewed proposed Subdivision of Internal Space Plan by prepared by Hess Architects 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 William Young and seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, absent; Thomas Warren, absent and Stephen Sweeney, aye, the Board made a Negative Declaration pursuant to SEQRA.

**DECISION:** In view of the foregoing and the testimony before the Board, the application was **Granted a Preliminary Internal Commercial Subdivision of Space Subject to the Following Conditions:**

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1. The following note shall be placed on the Subdivision Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The plans shall be labeled "internal commercial subdivision."
4. The applicant is proposing 3 units in an existing warehouse building. Please label on the plans the proposed uses for each unit and the proposed fire separation between units. A Certificate of Occupancy will be required for each unit.
5. Handicap parking shall be shown on the plan and labeled as such. The handicap parking shall be installed in accordance with the New York State Building Code requirements.
6. The plan shall note on the plan the number of employees to be in the building and the location of the handicap parking spaces.
7. The applicant shall provide proof that it has right have a gravel driveway.
8. The gravel parking surface will require a variance from the Town of Orangetown Zoning Board of Appeals unless the applicant can demonstrate that the gravel parking area was approved at an earlier time. The use of the gravel surface at the rear of the building shall be labeled on the plan.
9. The existing building is served by a private well and septic system, therefore Rockland County Department of Health shall review and approve the proposed internal subdivision as it relates to water supply and sewage disposal.
10. The Short Environmental Assessment Form appears to be in order.
11. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
  - The comments in the May 16, 2016 letter from the Rockland County Department of Health must be addressed.
  - A review shall be completed by the New York State Department of Transportation and any comments considered.

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

- Records show that this property is served by a well and septic system. Applicant shall forward information regarding the present number of employees and anticipated number of employees to see if either the well or septic system will be impacted by this project.

**13.** 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.

**14.** 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.

**15.** The Town of Clarkstown Planning Board reviewed the provided information and deemed the matter for local determination.

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

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

**17.** 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.

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

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**19. 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.

**20.** 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.

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

23. 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).

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

25. 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

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

27. 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.

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

The foregoing Resolution was made and moved by William Young 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, absent and Thomas Warren, absent.

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: June 22, 2016**  
attachment

*Cheryl Cooper Smith*

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

**PB #16-32: 628 Route 303 Internal Commercial Subdivision of Space - Preliminary Approval Subject to Conditions/ Neg. Dec.** This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

**NAME OF ACTION 628 Route 303 Internal Commercial Subdivision of Space - Preliminary Approval Subject to Conditions/ Neg. Dec.**

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

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

**LOCATION:** The site is located at 628 Route 303, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.14, Block 1, Lot 9 in the LI zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

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

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TO: Donald Brenner, 4 Independence Avenue, Tappan,  
New York 10901  
FROM: Orangetown Planning Board

RE: Kreiger Subdivision Plan: The application of Jennifer Geoffrey, owner, for Prepreliminary/ Preliminary/ Final Subdivision Plan Review at a site to be known as "**Kreiger 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 27 Sunrise Lane, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.18, Block 3, and Lot 43 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, June 22, 2016**, the Board made the following determinations:

Donald Brenner, Sarah Torrens and Jennifer Geoffroy appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated June 15, 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 June 22, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., June 17, 2016.
4. A letter from Rockland County Department of Highway, signed by Sonny Lin, P.E., dated June 7, 2016.
5. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 7, 2016.
6. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated June 3, 2016.
7. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated June 1, 2016.
8. Subdivision Plan prepared by Robert Sorace, PLS, dated May 6, 2016
9. A Short Environmental Assessment Form signed by Jennifer Geoffrey, dated May 26, 2016.

The Board reviewed the plan. The meeting was open to the public.

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**Public Comment:**

Francine Crowe, 35 Sunrise Lane, Pearl River, requested information regarding the notification process when the site would be developed. She also reviewed the side yard setbacks on her property and the project site.

Paul Hraska, 37 East Naurashaun Avenue, Pearl River, raised concerns regarding the impact to drainage to the abutting property owners. He also expressed concerns regarding lights shining from the site onto his property, requesting the placement of vegetative buffers along the property line.

A motion was made to close the Public Hearing portion of the meeting by Bruce Bond and second by Stephen Sweeney and carried as follows: Kevin Garvey, aye, Bruce Bond, aye; Michael Mandel, aye; William Young, aye; Robert Dell, absent; Thomas Warren, absent; 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, aye, Bruce Bond, aye; Michael Mandel, aye; William Young, aye; Robert Dell, absent; Thomas Warren, absent; 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 Robert Sorace PLS 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 Environmental

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Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Sewer District No.1, Rockland County Highway Department, and having reviewed a proposed Subdivision plan by prepared by Robert Sorace, PLS a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

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On motion by William Young and seconded by Bruce Bond and carried as follows: Kevin Garvey, aye, Bruce Bond, aye; Michael Mandel, aye; William Young, aye; Robert Dell, absent; Thomas Warren, absent; 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.
3. The Site and Landscaping Plans shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review at the time it is proposed for a specific dwelling plan, under Site Plan Review.
4. The minor subdivision does not show the development of lot #2. The applicant is requesting a waiver of the subdivision requirements under Section 21-13 of the Land Development Regulations by not showing existing and proposed contours, drainage, stream relocation, existing trees, etc. **It shall be clearly labeled on the Subdivision plan that "Lot #2 is not approved as a Building Lot and if the applicant or future applicant wishes to obtain a building permit for Lot #2, then the applicant or future applicant will be required to appear before the Orangetown Land Use Boards for Site Plan Review and any other agencies or boards required for review and approval prior to granting an approval for development of that lot."** Similarly, a note shall also be placed on the Subdivision Plat stating the following: "should the existing structure on Lot #1 be demolished and a new structure be built, then the applicant or future applicant shall appear before the Orangetown Land Use Boards for Site Plan review and any other agencies or boards required for review and approval prior to granting any building permits for undertaking such work."

TOWN OF ORANGETOWN  
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TOWN CLERKS OFFICE

**PB #16-33: Kreiger Minor Subdivision; Final Subdivision Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
June 22, 2016  
Page 5 of 8**

5. A variance needs to be sought from the Town of Orangetown Zoning Board of Appeals for Lot #1 for a Front Yard variance since 30 feet is required and 23.4 feet exists.
6. The maximum building height shall be included in the Bulk Table.
7. The Short Environmental Assessment Form appears to be in order.
8. The driveway location for Lot #1 needs to be shown on the Subdivision Plan.
9. Almost no information is shown on the drawing to verify that the second lot is buildable. The existing drainage storm drain and drainage ditch will most likely need to be relocated in order to make lot #2 buildable. This will require a Watercourse Diversion permit from the Town of Orangetown Town Board. The grading falls off quite quickly as one goes from Sunrise Lane onto proposed lots #1 and #2. Since the grading runs generally south through lot #2, explain how will the runoff from the new impervious area from this lot be handled so as not to adversely impact the neighbors to the south. The sanitary house connection for the existing house runs to the existing sanitary sewer easement on proposed lot #2, this will also impact the ability of lot #2 to be developed.
10. A typical house footprint shall be shown for lot #2.
11. All existing and proposed utilities; sanitary, stormwater, gas, electric, water, etc., shall be shown on the Subdivision Plan.
12. The existing and proposed grading shall be shown on the Subdivision Plan.
13. The top and invert elevations for the sanitary sewer manholes, catch basins and stream shall be given on the plan.
14. If a watercourse division is going to be proposed in order to make lot #2 buildable, then it shall be shown on the plans and noted that a watercourse division permit needs to be obtained from the Town Board prior to Final Approval. Drainage calculations for this division will need to be supplied, including analysis of existing and proposed flows as well as analysis of downstream impacts.
15. There is an existing stone retaining wall in what will be lot #2 along Sunrise Lane; this shall be shown on the drawings.
16. The drawing shall indicate if there are any wetlands or floodplains along the existing stream/ drainage ditch that runs through the proposed lots.

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17. There is an existing foot bridge over the stream in what will be lot #2, shall be shown on the drawings.
18. The existing trees shall be shown on the plans.
19. The existing sanitary main running through the 10 foot wide sanitary easement shall be shown on the plan.
20. The new driveway for proposed #1 that will be required for this subdivision shall be shown on the plan, with detail.
21. The Rockland County Department of Highways found that the minor subdivision should not have foreseeable adverse impact to existing count roads in the area. A Work permit will not be required for the proposed development.
22. The Rockland County Department of Health (RCDOH) reviewed the plans and found that no RCDOH approvals are needed for this project.
23. 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 no future correspondence is requested for this site.
24. 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 Highway
  - Rockland County Department of Health
  - Rockland County Sewer District #1
  - Town of Orangetown Zoning Board of Appeals
25. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plats and Board Decisions prior to signing the final plans.
26. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.
27. Where a reservation of land for recreation purposes has been deemed by the Planning Board to be inadequate, Money in Lieu of Land for recreation purposes must be collected in accordance with Section 21-20 of the Land Development Regulations (\$9,000.00 for every vacant new residential lot). In addition, for every new vacant residential lot, \$80.00 will be collected for the Stream Maintenance Fund.

TOWN OF ORANGETOWN  
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TOWN CLERK'S OFFICE



**PB #16-33: Kreiger Minor Subdivision; Final Subdivision Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
June 22, 2016  
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**28.** 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.

**29. TREE PROTECTION:** The following note shall be placed on the Subdivision 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.

TOWN CLERKS OFFICE

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TOWN OF ORANGETOWN

**PB #16-33: Kreiger Minor Subdivision; Final Subdivision Plan Approval  
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**Town of Orangetown Planning Board Decision  
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**30.** All landscaping shown on the subdivision plan shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

**31.** 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.

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

**33.** 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).

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

**35.** 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

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

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

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: June 22, 2016**  
attachment



TOWN CLERKS OFFICE  
2016 JUN 14 PM 1:53  
TOWN OF ORANGETOWN

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

**PB #16-33: Kreiger Minor Subdivision; Final Subdivision Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
June 22, 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: Kreiger Minor Subdivision; Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

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

**DESCRIPTION OF ACTION: Final Subdivision Plan subject to Conditions/  
Neg. Dec.**

**LOCATION:** The site is located at 27 Sunrise Lane, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.18, Block 3, Lot 43 in the R-15 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, Town Supervisor, Applicant, Involved Agencies

TOWN OF ORANGETOWN

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TOWN OF ORANGETOWN

**PB#16-35: Organic Recycling Site Plan: Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**June 22, 2016**

**Page 1 of 7**

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

**RE:** Organic Recycling Site Plan: The application of Organic Recycling, applicant, for Karen Guttman, Shari Linderbaum & Anna Jacobowitz, owners, for Prepreliminary/ Preliminary Site Plan Review at a site known as “**Organic Recycling 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 121 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.19, Block 1, Lot 3 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, June 22, 2016**, the Board made the following determinations:

Donald Brenner, Rita Haedke, and Tiju Daniel appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated June 15, 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 June 22, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 16, 2016.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated June 9, 2016.
5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated June 20, 2016.
6. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer I, dated June 1, 2016.
7. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 24, 2016.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chairman, dated June 1, 2016.
9. A Short Environmental Assessment Form, signed by Donald Brenner, dated May 10, 2016.
10. Plans prepared by Jay Greenwell, PLS:  
Site Plan dated December 14, 2015, revised March 11, 2016
11. Building Permit Referral dated May 29, 2015, signed by Mike Manzare, Building Inspector.

TOWN OF ORANGETOWN  
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**PB#16-35: Organic Recycling Site Plan: Preliminary Site Plan Approval  
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**Town of Orangetown Planning Board Decision  
June 22, 2016  
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The Board reviewed the plans. The hearing was then opened to the Public.

There being no one from the Public, a motion was made to close the Public Hearing portion of the meeting by Michael Mandel 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, absent; Thomas Warren, absent 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 Stephen Sweeney and seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, absent; Thomas Warren, absent 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 Jay Greenwell, PLS, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested

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**PB#16-35: Organic Recycling Site Plan: Preliminary Site Plan Approval  
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**Town of Orangetown Planning Board Decision  
June 22, 2016  
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agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District No.1, Rockland County Department of Highway, Rockland County Department of Health, and having reviewed proposed Site Plan by prepared by Jay Greenwell, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

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

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

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TOWN OF ORANGETOWN

**PB#16-35: Organic Recycling Site Plan: Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
June 22, 2016  
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2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant may obtain a Building Permit and a Certificate of Occupancy can be issued by the Town of Orangetown Office of Building, Zoning, Planning Administration and Enforcement for the proposed Office Building, however, they must reappear before the Planning Board for Final Site Plan Review within 6 months from the date of this June 22, 2016 meeting.
4. The topographic map shall be renamed as "Amended Site Plan" and shall show the existing building, structures and changes that were not approved by the Planning Board. Please label the Site Plan to reflect "existing approved" items and "existing not approved" items so the Planning Board has a clear understanding of what the changes are.
5. The Amended Site Plan shall show all the operations taking place on the property. Please clearly label them on the Site Plan.
6. All structures, if and when approved, shall require a Certificate of Occupancy.
7. Please indicate what the trailers on the south side of the property are used for. The contents of these trailers shall be disclosed.
8. The applicant shall reappear at the Town of Orangetown Zoning Board of Appeals for Performance Standards review since the plans submitted to the Zoning Board of Appeals on May 6, 2015, ZBA#15-36, were substantially different from the plans now submitted to the Planning Board. At that Zoning Board of Appeals hearing, the applicant was to submit revised plans in accordance with the comment letters received, however that was never done. Therefore, the Performance Standards approval is incomplete. When reappearing at the Zoning Boards of Appeals, the applicant shall submit the same amended Site Plan as the one submitted to the Planning Board for approval.
9. The applicant shall provide copies of all permits issued by the New York State Department of Environmental Conservation or other agencies with respect to the current facility operations.

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**PB#16-35: Organic Recycling Site Plan: Preliminary Site Plan Approval  
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**Town of Orangetown Planning Board Decision  
June 22, 2016  
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**10.** The applicant shall submit a Full Environmental Assessment Form so the Planning Board has a complete understanding of any impacts associated with the current operations.

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

**12.** A note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the Benchmark elevation.

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

- An updated review must be completed by the Rockland County Drainage Agency, and any required permits obtained.
- An updated review must be completed by the Palisades Interstate Park Commission and any required permits obtained.
- An updated review must be completed by the New York State Department of Transportation and any required permits obtained.
- The Town shall be satisfied that all applicable portions of the Route 303 Overlay Zone have been addressed in the proposed site plan.

**14.** Rockland County Highway Department offered the following comments. Based upon the site plans and information submitted, the proposed composting facilities should have no adverse impact on County Roads. The updated site plan is over 500 feet from the closest count road. A Rockland County Highway Department Work Permit will not be required for the proposed development.

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

**16.** 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.

**17.** 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 Highway Department

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2016 JUL 14 PM 1:54  
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**PB#16-35: Organic Recycling Site Plan: Preliminary Site Plan Approval  
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**Town of Orangetown Planning Board Decision  
June 22, 2016  
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**18.** 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.

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

**20. 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.

**21.** 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.

TOWN OF ORANGETOWN  
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**PB#16-35: Organic Recycling Site Plan: Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
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22. 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.

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

24. 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).

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

26. 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

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

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

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

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: June 22, 2016**  
attachment

*Cheryl Doppen*

TOWN CLERKS OFFICE  
2016 JUL 14 PM 1:51  
TOWN OF ORANGETOWN

**NEGATIVE DECLARATION  
Notice of Determination of Non-Significance  
PB#16-35: Organic Recycling Site Plan: Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
June 22, 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: Organic Recycling Site Plan: Preliminary Site Plan Approval Subject to Conditions**

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

**DESCRIPTION OF ACTION: Site Plan Review**

**LOCATION:** The site is located at 121 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.19, Block 1, Lot 3 in the LI zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

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

TOWN CLERKS OFFICE

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TOWN OF ORANGETOWN