

**Meeting of January 25, 2017
Town of Orangetown Planning Board**

MEMBERS PRESENT: Kevin Garvey, Chairman; Bruce Bond, Vice Chairman
Michael Mandel; Stephen Sweeney; 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, Christian Catania, Clerk 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:

Organic Recycling Site Plan		PB #17-06
Final Site Plan Review	Final Site Plan Approval	
121 Route 303, Orangeburg	Subject to Conditions	
74.19/1/3; LI zoning district		

Xing Minor Subdivision Plan		PB #17-07
Prepreliminary/ Preliminary	POSTPONED	
Subdivision Plan and SEQRA Review		
676 Oak Tree Road, Palisades		
Palisades Historic Area		
78.17/2/16; R-40 zoning district		

Kolb Subaru Site Plan and Conditional Use Permit		PB #16-74
Prepreliminary/ Preliminary	Preliminary Site Plan	
Site Plan and SEQRA Review	Approval Subject to	
582 Route 303, Blauvelt	Conditions/ Neg. Dec.	
Route 303 Overlay Zone 70.14/4/12; CC zoning district		

Maloney Subdivision Plan		PB #16-73
Prepreliminary/ Preliminary	CONTINUED: Revise Plan	
Subdivision Plan and SEQRA Review		
60 Fisher Avenue, Pearl River		
68.11/2/70; R-15 zoning district		

Other Business:

1. Brightview Senior Living Tappan Site Plan: The Board reviewed and
approved a plan noting the proposed location of the Contractor's Trailer as
required under PB #16-14, Final Site Plan Approval Subject to Conditions,
Condition #43.

2. Town Board Resolution #54 dated January 24, 2017 Street Light Policy:
The Board reviewed and approved the Town Board Resolution #54 regarding the
Street Light Policy. The Board acknowledged the following:

II. Statement of Policy, #2:

"Initial installation of public streetlights in new developments is
regulated by the Planning Board, and they are installed in
accordance with Planning Board approval site plan."

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The decisions of the January 11, 2017 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel and seconded by Bruce Bond and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye, William Young, aye; Robert Dell, absent; Stephen Sweeney, aye and Thomas Warren, absent.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Bruce Bond and seconded by Stephen Sweeney and agreed to by all in attendance. The meeting was adjourned at 8: 45 p.m. The next Planning Board meeting is scheduled for February 8, 2017.

DATED: January 25, 2017

**Cheryl Coopersmith,
Chief Clerk Boards and Commissions**



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**PB#17-06: Organic Recycling Site Plan
Final Site Plan Approval Subject to Conditions**

Permit # 44427

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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 Jacobwitz, owners, for Final 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. 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, January 25, 2017**, the Board made the following determinations:

- Donald Brenner, Rita Haedke, and Jay Greenwell appeared and testified. The Board received the following communications:
1. Project Review Committee Report dated January 18, 2017.
 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 January 25, 2017.
 3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 19, 2017.
 4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated January 20, 2017, with and attachment of 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 Highway Department, signed by Sonny Lin, P.E., dated January 25, 2017.
 6. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated December 27, 2016.
 7. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated January 9, 2017.
 8. A copy of letter to Donald Brenner, P.E., LL.B., from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated January 24, 2017, with an attachment of a letter from Donald Brenner, to the Rockland County Drainage Agency, dated January 23, 2017.
 9. Letters from the New York State Department of Transportation, signed by Akhter Shareef, Senior Transportation Analyst, dated June 28, 2016 and January 9, 2014.
 10. A copy of PB #16-35, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated June 22, 2016.
 11. Plan prepared by Jay Greenwell, PLS:
Site Plan dated December 2, 2015, revised October 17, 2016
 12. Building Permit Referral dated May 29, 2015, signed by Mike Manzare, Building Inspector.

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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 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.

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall comply with all previous and pertinent Board Decisions: PB #16-35, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated June 22, 2016.
4. The application is for the "Nursery and Horticultural Center" and therefore conditions 8 and 10 of PB #16-35 are not required and shall be removed from that decision.
5. The height of the material storage on the property shall be kept below 20 feet from the adjacent ground.
6. 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.

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7. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval, *it was noted at the Meeting that the applicant has satisfied all of the following conditions:*

- 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.

8. Rockland County Highway Department offered the following comments. Based upon the site plans and information submitted, the proposed new office and Revised Site Plan would not have a foreseeable and adverse impact on county roads in the area. The proposed work lies more than 500 feet from the closest count road; a Rockland County Highway Department Work Permit will not be required for the proposed development.

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

10. The Rockland County Drainage Agency (RCDA) has previously reviewed the site and determined that it is within the jurisdiction of the RCDA. However, the RCDA was unable to make a determination if the proposal requires a permit from the information provided. Upon further review of the latest information submitted and previous site conditions, it appears that the site was originally developed with impervious coverage. The current proposal does not appear to have any increase in development coverage. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act is not requested at this time. However, any future improvements at this site will require a permit or a determination otherwise from the RCDA.

11. A Highway permit from the New York State Department of Transportation would be required if any work is proposed within the NYSDOT right of way.

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

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

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.

d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

- One (1) foot radius from trunk per inch DBH
- Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

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

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

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

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

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

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

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

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

The foregoing Resolution was made and moved 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; 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: January 25, 2017
Cheryl Coopersmith
Planning Board**



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**PB #16-74: Kolb Subaru Site Plan
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #45885

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

RE: Kolb Subaru Site Plan and Conditional Use Permit: The application of Bill Kolb Jr. Subaru, owner, at a site located in the Route 303 Overlay Zone for Prepreliminary/ Preliminary Site Plan review and a Conditional Use Permit, at a site to be known as "**Kolb Subaru Site Plan and Conditional Use Permit**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 582 Route 303, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.14, Block 4, Lot 12 in the CC zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, December 14, 2016 and January 25, 2017**, the Board made the following determinations:

December 14, 2016

Donald Brenner and Jay Greenwell appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated December 7, 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 December 14, 2016.
3. Letters from Maser Consulting, signed by Jesse Cokeley, P.E., dated December 13 & 6, 2016.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated November 22, 2016.
5. Letters from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated December 12 & 13, 2016.
6. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated November 4, 2016.
7. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated November 16, 2016.
8. A letter from the Rockland County Department Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated December 1, 2016.

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9. A letter from the Town of Orangetown Zoning Board of Appeals signed by Patricia Castelli, Acting Chair, dated November 2, 2016.
10. A Short Environmental Assessment Form signed by Bill Kolb, Jr., dated October 26, 2016.
11. Plans entitled Kolb Subaru Proposed Car Service Center, prepared by John Capobianco, R.A., dated September 28, 2016:
 - A-1: Plot Plan
 - A-2: First Floor Plan
 - A-3: Elevations

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

The applicant requested a CONTINUATION.

January 25, 2017

Donald Brenner and Jay Greenwell appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated January 18, 2017.
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 January 25, 2017.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 23, 2017.
4. A letter from Maser Consulting, signed by Jesse Cokeley, P.E., dated January 24, 2017.
5. A letter from the New York State Department of Transportation, signed by Joseph Taylor, MRP, dated December 8, 2016.
6. Plans "Site Plan for Kolb Subaru" prepared by Jay Greenwell, PLS, dated November 9, 2016, last revised December 20, 2016:
 - Drawing 1: Site Plan
 - Drawing 2: Drainage and Grading Plan
 - Drawing 3: Construction Details
7. Lighting Layout Plan prepared by RAB Lighting, entitled "lighting Layout Version A", dated January 18, 2017.

There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Michael Mandel and second by Bruce Bond 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.

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The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Bruce Bond and seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, 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 agencies: Rockland County Department of Health, - Rockland County Sewer District #1, Rockland County Drainage Agency, Town of Orangetown Zoning Board of Appeals, Rockland County Department of Highways and New York State Department of Transportation, and having reviewed proposed Site Plans 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;

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- 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.

A motion was made to Re-open the Public Hearing portion of the meeting by Michael Mandel and second by Bruce Bond 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.

A motion was made to close the Public Hearing portion of the meeting by Stephen Sweeney and second 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.

DECISION: In view of the foregoing and the testimony before the Board, the application was Granted 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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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. A demolition permit is required to remove the existing building.
4. The following variances need to be sought from the Town of Orangetown Zoning Board of Appeals:
 - a. A variance needs to be sought for Outdoor Storage of Vehicles. (CC Zoning district, Column 7, item 2, "All retail sales and service establishments and accessory storage, either on a temporary or interior basis, shall be within a completely enclosed building.")
 - b. Not more than 35 percent of all parking shall be located within the front yard of any lot or parcel. The balance of the parking and all loading and unloading shall be located in the rear or side yard of the premises. Because the law says "front yard" and not required front yard, then there are approximately 50 spaces located in the front yard so relief from this section shall be sought. (Section 13.10, B (10) of Chapter 43)
5. All proposed grading shall be shown on the Site Plan.
6. All utilities to the proposed building shall be shown and labeled on the Site Plan.
7. The direction of drainage flow on the property shall be indicated with arrows.
8. Please indicate what parking spaces are designated for vehicle storage, employee parking, etc.
9. Any and all signage locations shall be shown on the Site Plan.

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10. All roof drains and their discharge points shall be shown on the plan.
11. A Conditional Use Permit approval needs to be granted by the Town of Orangetown Planning Board prior to the granting of Final Site Plan Approval.
12. The Short Environmental Assessment Form appears to be in order.
13. The submitted drainage calculations are under review by DEME. However, a full SWPPP shall be prepared, using a 3-ring binder, for the site and submitted to DEME for review and approval. The applicant's engineer is reminded that the drainage calculations/ SWPPP must address water quality, water quantity, green infrastructure requirements as well as all Redevelopment requirements and be designed in accordance with the January 2015, including any and all updates, version of the New York State Stormwater Management Design Manual.
14. In conjunction with above item (#13), soil erosion and sediment control plans and details shall be submitted to DEME for review and approval. These shall be designed in accordance with the New York State Standards and Specifications for Erosion and Sediment Control (Blue Book), November, 2016 version. Also, NYSDEC standard symbols shall be used for the SESC plan.
15. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to DEME and the Town of Orangetown Town Attorney's office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc.
16. The drainage from the entire site must be captured, treated and stored (as currently designed; the southwest portion of the lot and the northwest portion of the lot drain offsite without running to/ through the proposed treatment/ capture system.) This is unacceptable.
17. The applicant's engineer shall verify and show on the drawings whether or not the existing drainage structures at the northeast portion of the lot, along Erie Street, are to be tied into the new system or removed.
18. The soil erosion and sediment control plans and details are under review by DEME. However, erosion control measures appear to be missing in spots along the southern property lines, this shall be corrected.
19. The SWPPP/ drainage calculations shall account for the existing swale along the southwest portion of the lot and demonstrate how the flow from said swale is to be handled.

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20. Drainage facilities (catch basins and piping) shall be added at the driveway along the 25 foot easement, along the west side of the site.

21. Catch basins shall be added to the entrance along Erie Street, inside the property over the proposed 12 inch RCP drainage line.

22. The ownership of the existing sanitary sewer main, running through the property shall be given on the plans.

23. The applicant shall contact the Orangetown Highway Department to verify if the road widening of Erie Street is required/ necessary.

24. Profiles for the drainage lines shall be added to the drawings.

25. DEME held that the driveway entrances are too wide and should be reduced to 20 feet wide; however, the Planning Board had no objection to a 25 foot wide roadway.

26. The entirety of the existing sanitary building connection shall be shown on the plan including all inverts.

27. Typical details shall be added to the plan.

28. The applicant shall pave the easement/access road leading to Erie Street (behind the shopping center containing Dunkin Donuts.)

29. Drainage Review Recommendation: The proposed stormwater management plan meets the intent of the regulations and therefore the Drainage Consultant, Maser Consulting, recommended the Kolb Subaru Site Plan be approved for drainage subject to the following comments.

1. It is unclear whether the existing inlet located in the middle of the parking lot in the northeast corner of the project is to remain or be removed. Please advise.
2. There is an existing inlet just off the back of the proposed curb in the northeast corner of the project that may need to be adjusted as a result of the proposed improvements.
3. The existing inlet that represents Point of Interest A appears to discharge across Erie Street but the downstream inlet does not have any elevation information so this cannot be confirmed.

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Continuation of Condition #29...

4. The Grading and Drainage Plan only shows one roof leader connection for the entire building. Please confirm that this is the case and also provide pipe sizing calculations demonstrating that the pipe will have capacity.
5. A full SWPPP will be required for Final Approval as the total disturbance is greater than one acre.
6. Upon creation of a full SWPPP, a discussion regarding redevelopment and its applicability to this project shall be provided in the methodology section.
7. Upon creation of a full SWPPP, a soil erosion and sediment control plan and discussion shall be provided. This shall also include a construction sequence and Operation and Maintenance Plan.
8. Since infiltration is being implemented, two feet must be provided between the bottom stone elevation and the ground elevation. Please provide groundwater elevation. In addition, percolation testing shall be done to confirm the design rate that was assumed.
9. Does the applicant have permission to traverse the sanitary easement with the proposed stormwater pipes? Additionally, please provide crossing information for the proposed stormwater pipes and existing sanitary sewer main within the easement.
10. Please provide information on the cover proposed for the subsurface chambers. It appears the low points are at ± 126.4 while the top of stone is 125.5, which is less than 12" of cover.
11. Water quality pretreatment devices are often designed as offline structures to avoid overburdening the device and reducing the frequency of maintenance. If it is to remain online, this shall be taken into account when developing the Operation & Maintenance Plan.
12. The existing 18" RCP pipe to be removed at the southwest corner of the property is proposed to be replaced with a 12" HDPE pipe and headwall. However, the headwall is currently shown off the property. An easement will be required for this if it is not relocated. Furthermore, it appears that Page 2 of the Drainage Analysis says this will be eliminated. Please clarify.
13. The proposed inlets located off the northwest corner of the proposed building appear unnecessary. Per the grading shown, it does not seem that much runoff will get to this location, nor is it a low point.
14. The proposed inlets on each side of the proposed drive aisle appears to be creating low points in the existing pavement of Erie Street so the limits of construction (sawcut, grading, paving) shall be added to the plans.
15. Please add the number of subsurface chambers to the plans and details.
16. There is a discrepancy in height between the check wall detail and the outlet structure detail.

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Continuation of Condition #29...

17. While the check wall detail is "Not to Scale", please provide elevations for the invert and concrete sump because as it stands, it appears there will be standing water in the outlet structure.
 18. The Bottom of Stone elevation (121.75) provided on Page 11 of the Drainage Analysis does not match the elevation listed on the Detail Sheet (122.0). Please clarify.
 19. Page 19 of the Drainage Analysis states that CPv is not required for redevelopment activities if there are no changes to the hydrology that increase the discharge rate from the project site, per the NYSSMDM. However, the only reason the flows are being reduced is due to the basin, not because of a redevelopment and reduction in impervious surface. The engineer shall provide further justification for not providing CPv controls or take them into account with the design of the proposed subsurface chamber system.
30. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
- A twenty-foot wide vegetated buffer, a minimum of six-feet high, must be provided along the property line adjacent to the Route 303 right of way. In addition, not more than 35% of all parking is permitted within the front yard of the parcel; with the balance of the parking and loading/ unloading areas located in the rear or side yard of the premises. These requirements must be included in the site plan and conditional use permit.
 - Section 13.10 B. (6) specifically prohibits automotive car dealerships, automotive repair and body shops, and outside commercial storage of five or more automobiles. The proposed use seems to be in violation of this Section of the Town of Orangetown Zoning Ordinance. Is a use variance therefore required to permit this prohibited use? This must be clarified.
 - A review shall be completed by the New York State Department of Transportation, any concerns addressed, and all required permits obtained.
 - A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
 - A landscaping plan that meets all Town of Orangetown requirements shall be provided.
 - Low evergreen landscaping or a berm must be provided in front of the parking spaces facing the roadway to shield headlights from shining into oncoming vehicles traveling on the road.

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Continuation of Condition #30...

- Map notes #18 and #25 refer to landscaping shown on the Site Plan. The plans submitted with the application do not contain landscaping plans. These notes must be updated to accurately depict the submission.
- The parking calculations indicate that 87 parking spaces are required, yet 100 spaces are provided. It must be clarified why the additional 13 parking spaces are needed. A reduction in the number of parking spaces will decrease the amount of impervious coverage, and allow for the provision of the required 20-foot vegetated buffer area along NYS Route 303. (The applicant submitted a revised plan dated December 20, 2016 noting 87 parking spaces.)
- Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- The new tax map identification number, 70.14/4/12. Must be provided on the plans. Currently only the older tax map numbers are referenced on the Site Plan. The tax map number must be updated.
- The Rockland County Department of Planning requests the opportunity to review any variances which may be necessary to implement the proposed site plan.

31. The Rockland County Department of Highways reviewed the plans and found that the proposed work lies over 500 feet from the closest county roads, a Rockland County Highway Department Work Permit will not be required for the proposed development.

32. The Rockland County Department of Health (RCDOH) reviewed the plan and found that no Rockland county Department of Health approvals are needed for this application.

33. 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.

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

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35. New York State Department of Transportation (NYSDOT) had the following comments which are incorporated herein as conditions of approval:

- 1. The proposed permit work is within the vicinity of the signalized intersection at State Route 303 and Erie Street. Any proposed impact to the traffic signal facilities shall require appropriate notes and contract scope for the protection of the facilities. If capital work is required at any of the signals, NYSDOT will incorporate current signal communication technology into the improvements.**
- 2. All proposed work within the NYSDOT right of way requires a Highway Work Permit (HWP). The applicant is encouraged to review the permit process and all required HWP forms on the NYSDOT website (<http://dot.ny.gov/index>) and submit the PERM 33-COM as part of the submission.**
- 3. It is challenging discerning the extent of the proposed work versus existing features on the project plan. Please have the applicant provide plans showing existing conditions and plans denoting proposed work.**
- 4. NYSDOT recommend that the eastern driveway on Erie Street be closed in order to increase separation from the adjacent commercial entrance to the east and to provide greater separation from the signalized intersection.**

36. 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 Health
- Rockland County Sewer District #1
- Rockland County Drainage Agency
- Town of Orangetown Zoning Board of Appeals
- Rockland County Department of Highways
- New York State Department of Transportation

37. 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.

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

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

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

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

- One (1) foot radius from trunk per inch DBH.
- Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

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

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

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

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

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

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

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

48. The use of this property is permitted at this location as an ancillary use to property located at 252 Route 303, Orangeburg, New York, pursuant to Chapter 43 Article 13, §13.10(B)(6)(a). In the event this property is no longer used as ancillary to the use located at 252 Route 303, Orangeburg, New York, then the use at this site shall no longer be permitted pursuant to the above referenced code provision. **THIS CONDITION SHALL BE ADDED AS A NOTE TO THE SITE PLAN.**

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Override

The Board made a motion to override Condition #2 of the November 22, 2016 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

“2. As required in Section 13.10 B. (13), a traffic impact study and access management plan must be provided.”

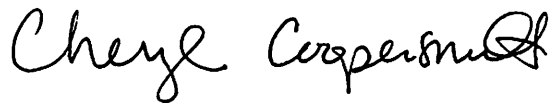
The Board held that the Erie Street and Route 303 intersection has been reengineered and the existing two lanes and amount of traffic on Route 303 is nowhere near 10%; therefore it does not meet the criteria for a Traffic Study based upon Section 13.10B (13).

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

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

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

**Dated: January 25, 2017
Town of Orangetown Planning Board
attachment**



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

PB #16-74: Kolb Subaru Site Plan– Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
January 25, 2017**

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: Kolb Subaru Site Plan– Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 1 Corporate Drive, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.20, Block 1, Lot 32 in the LIO zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

John Giardiello, P.E., Director, Office of Building, Zoning and Planning
Administration and Enforcement

Town of Orangetown

20 Greenbush Road

Orangeburg, NY 10962

Telephone Number: 845-359-5100

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

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