

**Meeting of October 26, 2016
Town of Orangetown Planning Board**

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

MEMBER ABSENT: None

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

Kevin Garvey, Chairman, called the meeting to order at 7:30 p.m.
Mr. Garvey read the agenda. Hearings as listed on this meeting's agenda which
are made a part of these minutes were held as noted below:

Continued Item from the May 11, 2016 Meeting:

J & M North Corp. Site Plan		PB #16-24
Prepreliminary/ Preliminary/ Final Site Plan, Internal Commercial Subdivision Plan and SEQRA Review 327 North Middletown Road, Pearl River 68.08/1/4; CO zoning district	Continued: Update plan provide details	

New Items

5 Kopac Lane LLC Subdivision Plan		PB #16-37
Prepreliminary/ Preliminary Subdivision Plan and SEQRA Review 42 & 62 Schuyler Road, Blauvelt 65.15/1/10 & 12.1; R-80 zoning district	Postponed to December 14th Meeting	

Bless Enterprises Auto Shop Site Plan		PB #16-59
Prepreliminary/Preliminary Site Plan and SEQRA Review 187 Route 303, Orangeburg Route 303 Overlay Zone 74.15/1/8; LI zoning district	Continued revise plans	

628 Route 303 Internal Commercial Subdivision Plan	Final	PB #16-60
Final Internal Commercial Subdivision Plan Review Route 303 Overlay Zone 628 Route 303, Blauvelt; 65.14/1/9; LI zoning district		

Manhattan Woods Site Plan - Storage Building Plan		PB #16-61
Final Site Plan Review 1 Ahlmeyer Drive, West Nyack 69.11/1/1; R-80 zoning district		

**Meeting of October 26, 2016
Town of Orangetown Planning Board**

Orangetown Commerce Center Site Plan **PB #16-62**
Final Site Plan Review
5 Greenbush Road, Orangeburg
74.15/1/2; LI zoning district;

Orangetown Commerce Center **PB #16-63**
Internal Commercial Subdivision Plan
Final Plan Review
5 Greenbush Road, Orangeburg
74.15/1/2; LI zoning district

Caribbean Food Delights Site Plan **PB #16-64**
Building Expansion Plan Continued: More detail
Prepreliminary/ Preliminary Site Plan and drainage
and SEQRA Review
Route 303 Overlay Zone
117 Route 303, Tappan
74.19/1/2; LI zoning district

Bailey's Smoke House Resubdivision Plan **PB #16-65**
Final Resubdivision Plan Review Contined: update plans
132 and 136 Erie Street, Blauvelt
70.14/4/5 & 6; CS zoning district

Bailey's Smoke House Site Plan **PB #16-66**
Final Site Plan Review Continued: update plans
132, 136 & 140 Erie Street, Blauvelt
70.14/4/5, 6 & 7; CS zoning district

Other Business: Rohland Site Plan: The Board reviewed and approved the deletion of Condition 5;

The decisions of the September 28, 2016 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel and seconded by Bruce Bond and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye, William Young, abstain; Robert Dell, aye; Stephen Sweeney, aye and Thomas Warren, aye.

October 26, 2016

Planning Board Meeting

The Decisions of the above hearings, as attached hereto, although made by the Board before the conclusion of the meeting are not deemed accepted and adopted by the Board until adopted by a formal motion for adoption of such minutes by the Board. Following such approval and adoption by the Board, the Decisions are mailed to the applicant. The verbatim transactions are not transcribed, but are available.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Bruce Bond and seconded by Stephen Sweeney and agreed to by all in attendance. The meeting was adjourned at p.m. The next Planning Board meeting is scheduled for November 9, 2016.

DATED: October 26, 2016

Cheryl Coopersmith

Chief Clerk Boards and Commissions

**PB#16-23: J & M North Corp. Site Plan:
Preliminary Site Plan and
Internal Subdivision Plan
Approval Subject to Conditions/ Neg. Dec.**

Permit #

**Town of Orangetown Planning Board Decision
October 26, 2016
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TO: Mustafa Alkhatib, J & M North Corp. 327 North Middletown Road,
Pearl River, NY 10965
FROM: Orangetown Planning Board

RE: J & M North Corp. Site Plan: The application of J & M North Corp. owner, for Prepreliminary/ Preliminary/ Final Site Plan and Internal Subdivision Plan Review at a site known as "**J & M North Corp. Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 327 North Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.08, Block 1, Lot 4 in the CO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 11 and October 26, 2016**, the Board made the following determinations:

May 11, 2016

The Board received the following communications:

1. Project Review Committee Report dated May 4, 2016.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated May 11, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 5, 2016.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated April 27, 2016.
5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated May 11, 2016.
6. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 23 & 24, 2016.
7. Site Plan prepared by John Bezuyen, PLS, dated October 6, 2015, last revision date of August 2, 2016.
8. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer I, dated April 6, 2016.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chairman, dated April 20, 2016.
10. A Short Environmental Assessment Form, signed by John Bezuyen, PLS, dated March 15, 2016.
11. Building Permit Referral dated November 6, 2015, signed by Glen Maier, Building Inspector.

**PB#16-23: J & M North Corp. Site Plan:
Preliminary Site Plan and Internal Subdivision Plan
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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The Board reviewed the plans. The hearing was then opened to the Public.

Public Comment:

Jessica Cancchino, 90 Secor Boulevard, Pearl River; raised concerns regarding the site being a Used Car Lot. She noted that the site was not maintained well.

Francis Nugent, 50 Secor Boulevard, Pearl River, wanted to know if the site is a used car dealer.

Denis Angelmi, 42 Secor Boulevard, Pearl River, wanted to know if the applicant planned on any physical improvements to the site, such as signage, shrubs, the building. He raised concerns regarding the location of the storage sheds on site.

The applicant requested a **CONTINUATION**.

October 26, 2016

Mustafa Alkhatib andi.... appeared and testified.

The Board received the following communications:

1. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated October 26, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 20, 2016.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated October 11, 2016.
5. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated September 21, 2016.
- 6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated, 2016.**
7. Site Plan prepared by John Bezuyen, PLS, dated October 6, 2015, last revision date of August 2, 2016.

**PB#16-23: J & M North Corp. Site Plan:
Preliminary Site Plan and Internal Subdivision Plan
Approval Subject to Conditions/ Neg. Dec.**

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The hearing was then opened to the Public.

Public Comment:

Jessica Cancchino, 90 Secor Boulevard, Pearl River; raised concerns regarding the site being a Used Car Lot. She noted that the site was not maintained well.

Francis Nuggent, 50 Secor Boulevard, Pearl River, wanted to know if the site is a used car dealer.

Denis Angelmi, 42 Secor Boulevard, Pearl River, wanted to know if the applicant planned on any physical improvements to the site, such as signage, shrubs, the building. He raised concerns regarding the location of the storage sheds on site.

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

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

Pursuant to New York Code, Rules & Regulations (NYCRR) Section 617.7, the Town of Orangetown Planning Board, as lead agency, for the reasons articulated in this Board's analysis of all of the submissions by the applicant, interested agencies, departments and the public, with respect to this project including the Environmental Assessment Form, which reasons are summarized in the motion, hereby determines that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

**PB#16-23: J & M North Corp. Site Plan:
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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely **Bergmann Associates** and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: *Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District No. 1, Rockland County Department of Health, and having reviewed proposed Site Plan by prepared by Bergmann Associates*, a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

**PB#16-23: J & M North Corp. Site Plan:
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On motion by Michael Mandel and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye, the Board made a Negative Declaration pursuant to SEQRA.

DECISION: In view of the foregoing and the testimony before the Board, the application was **Granted Preliminary Site Plan and Internal Subdivision 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 total number of licensed vehicles for a service station is 3 plus 4 for each bay, therefore the maximum number of service station vehicles allowed is 11. The Site Plan shows 24 being proposed for service station vehicles. A variance from the Town of Orangetown Zoning Board of Appeals is required for the additional 13 vehicles. Please be advised the parking analysis lists 28 parking spaces provided and the Bulk Table lists 26 parking spaces provided. Please correct the Bulk Table.
- 4.** As previously stated, the original plot plan had crushed stone and ground cover at the entrances to the property along Middletown Road and Crooked Hill Road. These areas have been paved over and parking was observed on those areas, some of which are not part of the property. These areas shall be restored with plantings and gravel and labeled on the site plan as such. The Planning Board shall review this with the applicant.

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5. The Short Environmental Assessment Form, Item 5a needs to be answered "No".

6. The applicant shall appear before the Town of Orangetown Architecture and Community Appearance Board of Review for landscaping and screening.

7. A detail for the proposed sidewalk shall be added to the plans.

8. 10/11/16 Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:

-) A review must be completed by the County of Rockland Department of Highways and all required permits obtained.
-) The convenience part is a pre-existing non-conforming use in the CO zoning district. A use variance was granted in 1996 for a gas station; and the convenience store use was a permitted use when the site was previously zoned CC. However, the current zoning does not permit either uses, and since two uses are proposed on the site, a commercial subdivision will need to occur. In addition, several changes have been made over time to the site plan. If it is determined that more than 50% of the site plan has been expanded, then a use variance will have to be sought. It must be determined if a use variance is warranted, and an internal subdivision must be obtained for the two uses on the site.
-) This use does not appear to be permitted use, and therefore it is not clear how the parking analysis numbers were derived or the bulk requirements obtained. In addition, no parking information was provide for the food mart/ convenience store use. It must be clarified what parking and bulk requirements are needed, and all components of the site factored into the parking calculations, auto repair and convenient store uses.
-) Aerial photography flow in 2013 shows that vehicles are parked within the southeast area of the site, which is outside of the property boundary, and within the road right of way. Previous aerial photography illustrates that prior to 2010, this area was landscaped, and not being used by the property owner. Since this land is roadway right of way, and not permitted to be used by the property, this paved area must be removed, and restored to the previous landscaped area. The site plan must note that this area will be removed.

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Continuation of Condition #8...

-) Two curb cuts exist along Crooked Hill Road. However, the site plan does not depict the southwestern most curb cut, and instead has a two-tiered parking area designated, blocking the access. The Town must determine if one of these curb cuts is to be closed. If so, then all paved areas must be removed and planted with vegetation. The site plan must note if this access point is to be removed.
-) The site plan now show that the pavement outside of the property boundary along the northwestern portion of the site, which extends onto a a portion of tax lot 68.08-1-3, will be removed. A fence has also been installed over the property line, but not mention is made to the removal of this item. The fencing, along with the paved area must be removed so that no encroachments result.
-) The paved areas on the site plan that are not being used for parking or driveway shall be removed and landscaped. This will help to break up the large macadam areas while reducing the amount of stormwater runoff form the site. These areas include the northeastern corner, the southwestern corner, and the southeastern portion of the site. This will also reduce the ability of vehicles top park within roadway right of ways, which can impede sight distance, and cause other safety concerns.
-) The Bulk Table on the site plan is incomplete. The table does not provide street frontage, building height or floor area ratio. This information must be provided.
-) A landscaping plan must be provided. Low evergreen landscaping or a berm must be provided in front of the parking spaces facing the county highway to shield headlights from shining into oncoming vehicles traveling on the road.
-) All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.
-) The Rockland County Department of Planning requests the opportunity to review any variances which may be necessary to implement the proposed site plan.

**PB#16-23: J & M North Corp. Site Plan:
Preliminary Site Plan and Internal Subdivision Plan
Approval Subject to Conditions/ Neg. Dec.**

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Continuation of Condition #8....

-) A lighting plan shall be provided that shows fields of illumination. Lighting shall not shine beyond the property line or into the County highway.
-) The five parking spaces located in the northeastern portion of the site are only fifteen feet long. Section 6.34 of Chapter 43 states that a parking space shall be nine feet wide and 18 feet long. It would also be difficult to maneuver out of the northeastern most spot as it overhangs the property boundary. The site plan must be revised to illustrate that these parking spaces are 18 feet long, and will be contained wholly on site.
-) The northeastern most parking space is not possible to achieve since the vacuum is located on top of the space. Either the vacuum and air pump must be relocated, or this parking spot must be removed. Vehicles cannot cross into the sidewalk area in order to enter/ exit parking spaces. If this is not possible, then these parking spaces must be relocated on the site.

9. The Rockland County Highway Department reviewed the site plans and information submitted and found that the proposed action on the auto body show and Smiley Mart should have minimum adverse impact on the abutting North Middletown Road.

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

11. 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.

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

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

13. 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.

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

**Preliminary Site Plan and Internal Subdivision Plan
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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15. 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.

16. 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.

17. 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.

**PB#16-23: J & M North Corp. Site Plan:
Preliminary Site Plan and Internal Subdivision Plan
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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18. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.

19. 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).

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

21. 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

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

23. 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.

Override

The Board made a motion to override Condition #5 of the March 10, 2016 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

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

The foregoing Resolution was made and moved by Thomas Warren and seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman,

aye; Bruce Bond, Vice Chairman, absent; Michael Mandel aye; William Young, aye; Stephen Sweeney, aye; Robert Dell, aye and Thomas Warren, aye.

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

Dated: October 26, 2016

**Cheryl Coopersmith, Chief Clerk Boards and Commissions
Town of Orangetown Planning Board
attachment**

NEGATIVE DECLARATION

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

**PB#16-23: J & M North Corp. Site Plan: Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.
October 26, 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: J & M North Corp. 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 327 North Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.08, Block 1, Lot 4 in the CO zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

The project will not have a significant impact upon the environment and a DEIS need not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels or existing external traffic patterns. In addition, it will have no impact upon the aesthetic, agricultural or cultural resources of the neighborhood. No vegetation, fauna or wildlife species will be affected as a result of this proposed 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

PB #16-37: 5 Kopac Lane LLC Subdivision;

**Preliminary Subdivision Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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TO: John Atzl, Atzl, Nasher & Zigler, 234 North Main Street, New City,
New York 10956
FROM: Orangetown Planning Board

RE: 5 Kopac Lane LLC Subdivision Plan: The application of Glen Orecchio, 5 Kopac Lane LLC, owner, for Prepreliminary/ Preliminary Subdivision Plan Review at a site to be known as "5 Kopac Lane LLC 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 42 & 62 Schuyler Road, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.15, Block 1, Lots 10 & 12.1 in the R-80 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 26, 2016**, the Board made the following determinations:

John Atzl andr appeared and testified.

The Board received the following communications:

1. Project Review Committee Reports dated October 19 & July 6, 2016.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated October 26 & July 13, 2016.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., October 20 & July 7, 2016.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated October 7, 2016.
5. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated September, 2016.
6. Letters from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated September... & June 28, 2016.
7. A letter from Rockland County Department of Highway, signed by Sonny Lin, P.E., dated July 13, 2016.
8. Letters from Rockland County Department of Health, signed by Scott McKane. P.E., Senior Public Health Engineer, dated June 7 & 8, 2016.
9. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated June 23, 2016.
10. Letters from Rockland County Parks Commission, signed by R. Allan Beers, Coordinator of Environmental Resources, dated June 17, 2016.
11. A letter from the Town of Clarkstown Department of Environmental Control, signed by Dennis Letson, P.E., First Deputy Director, dated February 22, 2016.

PB #16-37: 5 Kopac Lane LLC Subdivision; Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

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12. An Interdepartmental memorandum from the Highway Department, Town of Orangetown, signed by James Dean, Superintendent of Highways, dated July 18, 2016.
13. A letter from the Town of Clarkstown Planning Board, signed by Edward Guardaro, Acting Chair, dated July 6, 2016.
14. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated June 15, 2015.
15. A letter from the New York State Department of Environmental Conservation, signed by Katherine Coffin, Division of Environmental Permits, Region 3, dated June 22, 2016
16. Subdivision Plan entitled "5 Kopac Lane, LLC", prepared by Atzl, Nasher & Zigler, P.C., dated May 24, 2016, last revision date of September 23, 2016:
 - Sheet 1 of 6: Subdivision Plat
 - Sheet 2 of 6: Grading Plan
 - Sheet 3 of 6: Erosion & Sediment Control Plan
 - Sheet 4 of 6: Detail Sheet
 - Sheet 5 of 6: Common Driveway Profile Plan
 - Sheet 6 of 6: Sewer Extension Plan
17. Redevelopment Stormwater Management Design Report prepared by Atzl, Nasher & Zigler, P.E., signed and sealed by Ryan Nasher, P.E., dated May 24, 2016
18. A Short Environmental Assessment Form signed by Glen Orecchio, dated February 29, 2016.
19. Copies of the following Board Decisions: PB #14-38, Consultation 5 Kopac Lane, LLC Subdivision, dated September 10, 2014; PB #07-39, Schuyler Subdivision Amendment, Approved with Conditions/ Neg. Dec., dated June 13, 2007; and PB #02-104, Schuyler Subdivision Plan, Final Approval Subject to Conditions, dated September 25, 2002.
20. A Narrative Summary entitled "5 Kopac Lane, LLC", dated May 16, 2016, prepared by Atzl, Nasher & Zigler.
21. A letter from Atzl, Nasher & Zigler dated September 23, 2016, signed by John Atzl, PLS.
22. A copy of a letter from Ruth Pierpont, Deputy Commissioner for Historic Preservation, New York State Parks, Recreation and Historic Preservation, with an attachment of an email from Timothy Lloyd, New York State Parks, Recreation & Historic Preservation, to John Atzl, dated August 29, 2016.

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

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

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA.

On motion by Stephen Sweeney and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman; aye, Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye; and Stephen Sweeney, aye; the Board declared itself Lead Agency.

**PB #16-37: 5 Kopac Lane LLC Subdivision;
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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): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: *Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Sewer District No. 1*, and having reviewed a proposed Subdivision plan by prepared by Atzl, Nasher & Zigler 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.

PB #16-37: 5 Kopac Lane LLC Subdivision; Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

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

1. The following note shall be placed on the subdivision plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. All utilities shall be shown on the Subdivision Plans including private well locations, electric, gas, etc.
4. The proposed retaining walls shall be designed by a New York State licensed professional engineer and the details shall be provided on the plans.
5. Please clarify what the existing water easement on lot #4 is for and who it serves, etc.
6. Lot #4 is shown as undeveloped on the Subdivision plan, therefore please indicate on the subdivision plan that "Lot #4 shall not be developed in the future" or provide the development plan at this time.
7. The individual wells shall be approved by the Rockland County Health Department.

8. The applicant shall determine if a blasting permit will be required. Deep test holes results shall be submitted to the Planning Board prior to Final Approval of the Subdivision Plan.

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

PB #16-37: 5 Kopac Lane LLC Subdivision; Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

July 13, 2016

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DEME.....

6/7 letter

1. The drainage calculations are currently under review by DEME.
2. The SESC plan shall be modified to add addition erosion control practices along the proposed common driveway. Also, due to the steep slopes on the subject property, all proposed silt fence shall be reinforced with hay bales. A detail for same shall be provided.
3. The SESC plan shall indicate what structural (temporary or permanent) measures will be taken to prevent soil loss/ erosion where regrading is taking place in the <25% slope areas. Details for same shall be added to the plans.
4. Two additional trench drains shall be installed along the proposed common driveway. The runoff collected from these trench drains (as well as the one already shown at the connection to Schuyler Road) shall be connected to the proposed detention basin.
5. 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.
6. Detailed information regarding the proposed storage pond/ basin shall be supplied (i.e. storage capacity at certain elevations, berm reinforcing, etc.)
7. The proposed detention basin shall be modified to show the required maintenance access around the basin (12 foot wide), maintenance access to the basin, plantings, fencing (or other means to secure the basin), underdrain, emergency overflow spillway (with 1 foot of freeboard), etc. Also, it is unclear as to whether the detention basin shall use the outlet structure (CS #1) on drawing 2 of 6 or the riser detail on drawing 3 of 6.

8. The drawing shall show what, if any, existing storm drainage facilities are in the area of the proposed detention basin exhaust.

9. The word temporary shall be removed from the sediment marker detail on drawing 3 of 6. Also, the min and ma elevation cleanout depts. Shall be permanently marked on the sediment marker.

10. Although there is an Inter-municipal Agreement between Orangetown and Clarkstown, it is DEME's understanding that the Town of Orangetown Town Board will still need to grant "Out of District" permission to allow the sanitary flow from Orangetown to enter the Rockland County Sewer District No.1 system to accept said flow. The applicant's engineer shall verify this.

11. The applicant's engineer shall relocate the proposed sanitary sewer main extension into the pavement of Schuyler Road. Having the proposed main/manholes in an existing drainage ditch could lead to infiltration and inflow problems for the sanitary main.

12. A profile for the proposed sanitary main extension shall be added to the drawings.

13. Profiles for the proposed sanitary house connection shall be added to the drawings. Given the potential steep slopes for the sanitary house connections, the connections shall require anchoring. A detail for same shall be added to the drawings.

14. The size and slope of the proposed sanitary house connections shall be added to the plans.

15. The cleanout for the sanitary house connection for Lot #2 shall be relocated to just inside the property line for said lot.

16. The sanitary sewer main extension shall be extended to the end (southerly boundary) of proposed Lot #4. Also, spurs and laterals to the property lines, shall be provided for all of the lots along the proposed sanitary extension that are not part of this subdivision, i.e. Lot 65.15-1-9, lots along west side of Schuyler Road, Proposed lot #4, etc.

17. The proposed road widening along the east side of Schuyler Road shall be extended along the entirety of Lot #3.

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

19. A legend shall be added drawing 1 of 6.

20. Monuments and iron pins shall be labeled on drawing 1 of 6.

13. The Drainage Consultant to the Planning Board, Brooker Engineering reviewed the application and found that drainage calculations were provided to demonstrate that increases to surface runoff from the site can be mitigated. The Drainage Consultant therefore recommends that the be approved for drainage subject to the following comments:

M Bettmann 10/7/16

The Town of Orangetown Bureau of Fire Prevention reviewed and offered the following comments. These comments shall be placed on the Site Plan as NOTES:

-) The access roads (driveways) must meet FDC 103, copy provided.
-) The houses have to have a Fire Sprinkler System, with storage tank for required demand and emergency generator to run fire pump.

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6/28/16 letter

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

As required by the Rockland County Drainage Agency, the subdivision map must be reviewed and approved by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.

A review must be completed by the County of Rockland Division of Environmental Resources and any concerns addressed.

The comments in the June 8, 2016 letter from the Rockland County Department of Health must be met.

The Town of Clarkstown is one of the reasons this proposal was referred to the County Planning Department for review. The municipal boundary is along the northeastern property boundary of the subject site. New York State General Municipal Law states that the purposes of Section 239-1, 239-m and 239-n of the law shall be to bring pertinent intercommunity and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominate land uses, population density, and the relation between residential and nonresidential area. In addition, Section 239-nn was recently enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objections of the general area. The Town of Clarkstown must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Clarkstown must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

In a letter dated February 22, 2016, the Town of Clarkstown Department of Environmental Control indicated that there is ample capacity in the Town's sewer system and pumping station to accommodate the anticipated design flow from the potentially connected residences. To confirm that this is still the case, an updated inter-municipal agreement between the Towns of Clarkstown and Orangetown shall be completed to reflect the sewer units crossing into the respective municipality from the out of jurisdiction unit. In addition, the Town of Orangetown shall agree to provide the maintenance of the portion of the sewer line that is located within Orangetown.

A review must be completed by the Count of Rockland Sewer District #1 and any required permits obtained.

The proposed subdivision consists of two existing lots that will be split into four new lots. The Bulk Table requirements list the measurements for three lots, but

not for Lot #4. The bulk requirements must be expanded to include a column for the measurements for Lot #4.

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**Town of Orangetown Planning Board Decision
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It is not clear why lot #2 has a proposed circular driveway. Given the slope of the parcel, the minimal amount of disturbance shall be achieved. The second access point shall be removed, or an explanation as to why it is needed provided.

To help protect the steep slopes along the eastern portion of the properties, a conservation easement shall be required. The boundary of the conservation shall be clearly delineated in the field, prior to any grading or construction on site, to prevent encroachment into the area.

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 stormwater runoff from the site.

There are several discrepancies between the application materials and the subdivision plat. The lot area of the tracts is listed as 10.3748 acres on the map, and 10.82 acres on the application form. The narrative summary indicates that the tax lot to be partially utilized for the subdivision is 25.15-1-12.1; this should be 65.15-1-21.1. These correction must be made.

7/13/16 letter

17. Based on the information provided, the Rockland County Highway Department found that the new subdivision, sewer extension and drainage calculations should not have adverse impact on any count road. A Rockland County Highway Department Work Permit will not be required for the proposed development.

6/8/17 letter

17. Based on the information provided, the Rockland County Health Department, Division of Environmental Health offered the following comments:

1. Application for Sanitary Sewer Extension approval is to be made
2. The sewer extension plan indicates that there are 17 possible connections to the proposed sewer main including 47 Schuyler (Tax Lot 65.15-1-5). The main should be extended a minimum to the property line.
3. Proposed well locations are to be shown on the grading plan
4. Application is to be made to the Rockland County Department of Health for review of the Storm water management system for compliance with the County Mosquito Code.

J. Dean 7/18 letter

18. The Town of Orangetown Highway Department reviewed the submitted information and found that the proposed detention basin and outlet structure must be deeded to the Town of Orangetown.

6/23/16 letter

18. Based on the information provided, the Rockland County Sewer District offered the following comments:

1. The "17 possible sewer connections" on Drawing No.6 (Sewer Extension Plan) constitute out-of-district connections to Rockland County Sewer District No. 1 and require prior approval from the New York State Department of Environmental Conservation.
2. The proposed subdivision is located outside the boundaries of Rockland County Sewer District No. 1, but will connect to the District's sewer system on Schuyler Road in the Town of Clarkstown. Therefore, the development must apply for an out of District hookup to the District's sewers. A permit application for each connection must be submitted to the Executive Director, which must be supplemented by any plans, specifications, insurance, indemnification, or other information considered pertinent in the judgment of the Executive Director. Each application must be accompanied by:

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- a. A resolution from the Town of Orangetown Town Board approving the hookup of the sewer from this project to the Rockland County Sewer District No. 1 sewer system.
- b. A resolution from the District's Board of Commissioners approving the hookup of the sewers from the lots in Orangetown to the District's sewer system.
- c. An out of District connection fee of three thousand seven hundred dollars (\$3,700.00) per connected unit, which must be paid within thirty (30) days of the Board's approval of the connection. For the four (4) lots in the application, the out of District fee is fourteen thousand eight hundred dollars (\$14,800.00).
- d. The annual sewer use fee for operations and maintenance, which must be paid within ten (10) days of sewer service becoming available and pro-rated as of that date.
- e. The area benefit fee, which commences on the date of the Board of Sewer Commissioner's approval of the project. Area benefit is calculated by an annual tax rate per one hundred dollars (\$100.00) of assessed value. This fee must be paid before release of approval.
- f. An executed copy of a covenant agreeing to abide by the rules, laws and regulations of the District and its Law, as it may be amended, including the payment of annual sewer use fees and annual area benefit fees. This covenant must be:
 1. In recordable form, including all prior mortgages or other encumbrances,
 2. Accompanied by requisite fees for recording as set forth by the County Clerk,
 3. Accompanied by an up to date Title Report and paid policy of Title Insurance,

4. Acknowledged by owner of the land, and
 5. Accompanied by a complete site survey and property description.
3. The out of district connection to Rockland County Sewer District No. 1 requires approval from the Rockland County Department of Health. A copy of their approval documents must be submitted to the District.
 4. Details for sanitary sewer construction must comply with the District's construction standards and should be shown on the plans.
 5. Rockland County Sewer District No.1. requires sanitary sewer construction to conform to the District's standards. This includes but is not limited to relative air, vacuum and deflection testing of mainline sewer and manhole construction. The District must receive and approve certification of test results from a licensed professional engineer before approving the sewers on this project. If the District's standards differ from Orangetown's or Clarkstown's standards, the strictest standards will apply.

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6. In order to reduce infiltration into the system, the District requires that the precast and doghouse sanitary manhole construction be in accordance with the District's standards. The District's standards details require the joints to have butyl rubber seals with mortar in and out, and then to be coated with "Infi-shield" EPDM rubber seal wrap or approved equal.
 7. The District requests that submission to Rockland County Sewer District No. 1 of as-built drawings of the proposed sanitary sewer extension be made a condition of granting certificates of occupancy.
 8. Details for sanitary sewer construction in the Town of Clarkstown and the connection to the existing sewer main on Schuyler Road are subject to approval by the Town of Clarkstown Department of Environmental Control.
 9. Details for sanitary sewer construction in the Town of Orangetown are subject to approval by the Town of Orangetown Department of Environmental Management and Engineering.
- 19.** The Town of Clarkstown Department of Environmental Control reviewed the plans for the sanitary sewer main extension at Schuyler Road and found in a February 22, 2016 letter from Dennis Letson, First Deputy Director, that the request to extend this line is approved. The Department of Environmental Control found that there is adequate capacity in the Town of Clarkstown sewer system and pumping station to accommodate the anticipated design flow from the potentially connected residence.
- 20.** The Rockland County Park Commission reviewed the plans provided and found that they are not clear on where the onsite stormwater runoff will be stored, conveyed or discharged to. The Rockland County Park Commission requests that there be no net increase in stormwater runoff entering Buttermilk Falls County Park either by direct conveyance or through the existing drainage culverts located on Schuyler Road.

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

- Compliance with the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities – Project is located in MS4 area
- Cultural Resources: Potential Archaeological Site

19. 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
- Town of Orangetown Zoning Board of Appeals
- Rockland County Park Commission
- New York State Department of Environmental Conservation
- Rockland County Highway Department
- Town of Clarkstown Planning Board

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

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

22. 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.

23. 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.

24. 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 $\frac{3}{4}$ 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.

25. 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.

26. 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.

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

28. 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).

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

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

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

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

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

Dated: October 26, 2016

Cheryl Coopersmith
Chief Clerk Boards and Commissions
attachment

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

PB #16-37: 5 Kopac Lane LLC Subdivision; Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
October 26, 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: 5 Kopac Lane LLC Subdivision

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: 5 Kopac Lane LLC Subdivision - Preliminary Subdivision Plan subject to Conditions/ Neg. Dec.

LOCATION: The site is located at 42 & 62 Schuyler Road, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.15, Block 1, Lots 10 & 12.1 in the R-80 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

**PB #16-64: Caribbean Food Delights Site Plan
Preliminary Site Plan Approval Subject
to Conditions/ Neg. Dec.**

Permit #45571

Town of Orangetown Planning Board Decision

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

RE: Caribbean Food Delights Site Plan: The application of Vincent Hosang, owner, for Prepreliminary/ Preliminary Site Plan Review for a building expansion plan at a site known as “**Caribbean Food Delights 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 117 Route 303, Tappan, in the Route 303 Overlay Zone, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.19, Block 1, Lot 2 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, October 26, 2016 and**at which time the Board made the following determinations:

October 26, 2016

Oliver Wilhelm and Donald Brenner appeared and testified.

The Board received the following communications:

1. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated October 26, 2016.

2. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 20, 2016.
3. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated October 19, 2016.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated October 14, 2016.
5. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated September 28, 2016.
6. A letter from the Rockland County Sewer District, signed by Joseph LaFiandra, Engineer II, dated September 29, 2016.
7. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated October 7, 2016.
8. An Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated October 7, 2016.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated October 5, 2016.
10. A letter from the New York State Department of Transportation, signed by Akhter Sharaef, dated October 14, 2016.
11. A Short Environmental Assessment Form signed by Vincent Hosang, dated September 16, 2016.

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12. Overall Site Plan; A102.00 prepared by Cybul Cybul Wilhelm Architects, dated July 6, 2016, revised September 19, 2016.
13. Copy of Building Permit Referral, dated July 21, signed by Glenn Maier, Building Inspector.

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

The applicant requested a CONTINUATION.

....., **2016**

Oliver Wilhelm and Donald Brenner appeared and testified.

The Board received the following communications:

1. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated October 26, 2016.
2. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 20, 2016.
3. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated October 19, 2016.

A motion was made to close the Public Hearing portion of the meeting by Bruce Bond and seconded by Thomas Warren and carried as follows:
Kevin Garvey, Chairman, absent; Bruce Bond, Vice Chairman, aye;

William Young, aye; Robert Dell, aye; Stephen Sweeney, aye;
Michael Mandel, aye and Thomas Warren, aye.

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA.

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

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applicant, the applicant’s professional representatives, namely by Barbara Marks, R.A., 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 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 #1, New York State Department of Environmental Conservation, and having reviewed a Plan by prepared by Barbara Marks, R.A., a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

) Will not significantly affect existing air quality or noise levels;

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

On motion by Michael Mandel and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, absent; Bruce Bond, Vice Chairman, aye; Robert Dell, aye; Thomas Warren, aye; William Young, aye; Michael Mandel, and Stephen Sweeney, aye, the Board made a Negative Declaration pursuant to SEQRA.

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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”.

2. The following note shall be placed on the Site Plan: “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 plan is incomplete and lacks the required items. A proper site plan in accordance with Chapter 21A, “Site Development Plan Approval”, shall be submitted before any review can be undertaken.

4. It is unclear as to what the “expansions” are. The applicant shall submit more information concerning the type of expansion, such as office, warehouse, manufacturing, etc.

5. The Short Environmental Assessment Form (SEAF) is not complete. The “Brief Description of Proposed Action” shall be explained in more detail. Item 2 is answered incorrectly. Review of the SEAF cannot be undertaken until more information is provided.

DEME

BROOKER 10/19/16 LETTER..

This is our first drainage review report for this project. The property is located along the east side of Route 303, just south of the southbound entrance ramp to the Palisades Parkway. There is an existing building on the site and the project proposes additions on the north and south sides of the building. No modifications to the parking lot are shown at this time.

No drainage information has been provided. The southern portion of the site contains the 100-year floodplain of the Sparkill Creek.

Project Comments

1. *An existing conditions plan should be provided.*
2. *Existing and proposed conditions grading plans and storm drainage plans should be provided. Positive drainage away from the buildings should be indicated.*
3. *Any existing storm drainage systems and stormwater facilities on the site should be added to the Site Plan.*
4. *Increases in impervious area should be quantified and appropriate stormwater mitigation should be provided.*
5. *Total land disturbance should be added by map note on the Site Plan.*
6. *Existing and proposed first floor elevations should be provided. If basements or crawl spaces are proposed, this should be indicated. Otherwise, slab on grade construction should be noted.*
7. *The double irregular shaped lines that meander across the site and off the site should be labeled. It appears this may be the 100-year and 500-year floodplain of the Sparkill Creek. The source of this information should be provided.*
8. *It appears the project will require approvals from the Local Floodplain Administrator and Rockland County Drainage Agency.*

Drainage Review Recommendation

The application has not provided information to address potential impacts with respect to drainage. We therefore recommend that the Caribbean Food Delights Site Plan not be approved for drainage subject at this time.

**PB #16-64: Caribbean Food Delights Site Plan
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10/14/16 letter

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

While it is realized the site plan is in for Preliminary Site Plan review there is a lot of detail lacking on the site plan that must be provided before the net submission, so that a thorough evaluation can be done. These include, but are not limited to the following:

- 1) The existing square footage of the building, as well as the proposed square footage must be provided. This is critical in determining the number of parking spaces required, as well as to ensure that all bulk requirements are being met.
- 2) A Bulk Table listing both the existing and proposed measurements for all standards, including yards, heights, and floor area ratio. In addition, parking calculations must be provided based on the new floor area ratio.
- 3) A vicinity map, with scale and north arrow, must be provided.
- 4) A legend, general map notes, and property information (owner, districts, tax parcel #) must be provided for the site.

- 5) A narrative that describes the proposed project additions must be provided.
- 6) A review shall be completed by the New York State Department of Transportation, any concerns addressed, and all required permits obtained.
- 7) The comments in the September 28, 2016 letter from the County of Rockland Department of Health must be met.
- 8) The comments in the October 7, 2016 letter from the County of Rockland Drainage Agency must be met.
- 9) A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.
- 10) A landscaping plan that meets all Town requirements, including the Route 303 Overlay Zone, shall be provided.
- 11) 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.
- 12) If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.

9/28/16

9. Based on the information provided, Rockland County Health Department offered the following comment:

Should the Board require additional stormwater management to compensate for the increase in impervious coverage, application is to be made to the RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.

9/29/16

10. 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.

11. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, the site has been determined to be within the jurisdiction of the RCDA. Accordingly, a permit from the RCDA pursuant to the Rockland County Stream Control Act is required. Please have the applicant submit an application to RCDA immediately.

10/7/16

The Town of Orangetown Bureau of Fire Prevention reviewed the plan in regard to a building expansion and offered the following comments. These comments shall be placed on the Site Plan as NOTES:

-) Extend the Fire Sprinkler System
-) Extend the Fire Alarm System.
-) Install CO detectors as per code
-) Install Emergency lighting as per NEC.

12. 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 #1
- Rockland County Department of Health
- Rockland County Drainage Agency
- New York State Department of Transportation

13. 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.

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

15. 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.

16. **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.

**PB #16-64: Caribbean Food Delights Site Plan
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Town of Orangetown Planning Board Decision

Continuation of Condition #16 ...

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.

17. 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.

18. 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.

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

20. 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).

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

**PB #16-64: Caribbean Food Delights Site Plan
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22. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEMA with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications

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

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

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

Dated: ,,,
Cheryl Coopersmith
Chief Clerk Boards and Commissions
attachment

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

PB #16-64: Caribbean Food Delights Site Plan Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec. **Permit #45571**

Town of Orangetown Planning Board Decision
.....

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– Caribbean Food Delights 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: – Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

LOCATION: The site is located at 117 Route 303, Tappan, in the Route 303 Overlay Zone, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.19, Block 1, Lot 9 in the LI zoning district.

ASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

**PB #16-65: Bailey's Smoke House Resubdivision Plan
Final Resubdivision Plan Approval
Subject to Conditions**

Town of Orangetown Planning Board Decision

....., 2016

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TO: Donald Brenner, 4 Independence Avenue, Tappan, New York, 10983
FROM: Orangetown Planning Board

RE: Bailey's Smoke House Resubdivision Plan, a continued item: The application of D.P. Bailey, LLC, owner, for Final Resubdivision Plan Review, at a site known as "**Bailey's Smoke House Resubdivision 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 132 and 136 Erie Street, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.14, Block 4, Lots 5 & 6 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 26, 2016** at which time the Board made the following determinations:

Chairman Garvey recused himself from the proceedings of the meeting.

Anthony Celentano, Harry Goldstein, Kathleen Saral, Paul Bailey, and Donald Brenner appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated October 19, 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 October 26, 2016.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 20, 2016.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated, 2016.
5. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated October 18, 2016.
6. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated September 30, 2016.
7. A letter from Rockland County Health Department, signed by Scott McKane, P.E., dated September 29, 2016.

**PB #16-65: Bailey's Smoke House Resubdivision Plan
Final Resubdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
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8. A letter from 6 abutting property owners in Blauvelt, received in the Planning Board office on August 3, 2016, from the following residents:
Melanie Kershaw & Irwin Kuperberg, 3 Moison Road North;
Jackie & Edward Olsen, 12 Moison Road North;
Lisa & Michael Marucci, 20 Moison Road North;
Ethna Mullan, 17 Moison Road North;

Nikki Mulholland, 25 Moison Road North, and
Dana & Scott Sweney, 41 Moison Road North.

9. A Subdivision Plan prepared by Anthony Celentano, PLS, dated July 28, 2015, last revision date of July 5, 2016.

10. Copies of Board Decision: PB #11-49, Preliminary Resubdivision Approval Subject to Conditions, dated July 27, 2016.

The Board reviewed the plan. The meeting was then open to the Public.

Public Comment:

Mike Marucci, 20 North Moison Road, abutting neighbor to the rear of the lot, raised concerns regarding privacy of his property due to noise, lights, and sounds coming from the project site. He added that the applicant has used awnings to expand the kitchen area of the building. Mr. Marucci held that it was not unreasonable to request a 50 foot conservation easement on the applicant's property.

Lisa Marucci, 20 North Moison Road, requested that the addition should not be considered until the violations are cleared. Since the vegetative buffer has been removed, she cannot enjoy her backyard and patrons using the site cut through to North Moison Road. In addition, the rear enclosure was not included on the previous site plan presented to the Board, she is opposed to outdoor dining and that patrons use the neighborhood as outdoor bathrooms.

Nikki Mulholland, 25 North Moison Road, requested that a berm be extended to the north to prevent the cut through the project site and asked that a Landscaping plan be provided for public review prior to permit issuance and any construction to ensure the neighbors are protected. She submitted pictures of the buffer prior to its removal. Ms Mulholland held that awnings were put up to extend the kitchen area and requested that they be removed and the kitchen area be placed back into the building.

**PB #16-65: Bailey's Smoke House Resubdivision Plan
Final Resubdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
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The Board reviewed the plan. The meeting was then open to the Public.

DECISION: In view of the foregoing and the testimony before the Board, the application was **Granted Final Resubdivision 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 pertinent and applicable previous Board Decisions: PB #11-49, Preliminary Resubdivision Approval Subject to Conditions, dated July 27, 2016.

Here starts prelim

3. The multiple lines that appear to cross over/ through the handicap parking area of Lot 70.14-4-5 and into Lot 70.14-4-4 were previously labeled as contours and are now not labeled. What do these lines represent?
4. Outdoor ovens are shown on the current plan for Lot #70.14-4-6 but not on the previous submission. Was this approved? Does this require Rockland County Department of Health approval?
5. The benchmark elevation shall be given on the plan.
6. **Drainage Review Recommendation:** The drainage information and proposed grading plan provided for this submission demonstrates that potential significant adverse impacts with respect to drainage can be mitigated and the Drainage Consultants recommends that the D.P. Bailey, LLC Site Plan and Subdivision Plan be approved for drainage subject to the following comments:

**PB #16-65: Bailey’s Smoke House Resubdivision Plan
Final Resubdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
October 26, 2016
Page 3 of**

Project Description

This is the third drainage review report to the Planning Board for this site plan and subdivision application; the last review was dated April 5, 2016. The subdivision consists of merging tax lots 70.14-4-6 and 70.14-4-5, which are the two western lots that contain the two buildings on the site and a new front terrace. The Site Plan consists of a building addition to connect the two existing

buildings on the property. Modifications of the parking lot are also indicated as part of the site plan. The parking lot is mostly a gravel surface, and runoff flows downhill in an easterly direction toward a swale along the west side of the Consolidated Rail Corps railroad along the east property line of the site. The swale is very flat, and the direction of water flow within this swale is not clear based on the survey. There is a berm along this property line that controls how runoff leaves the parking lot and enters the swale. Stormwater calculations have been provided and a detention facility has been added. For this submission, the existing gravel parking lot uses an assumed soil ground cover for existing conditions.

Project Comments

1. As per the November 3, 2015 and April 5, 2016 reports, the existing drainage west of the east building (the restaurant building) flows east towards the east building; the building addition may create a damming effect that will result in ponding. More detail is needed of the grading in this area to demonstrate that the addition will not block surface runoff on the west side of the existing building from the natural flow pattern. Proposed contours shall be added at the northwest corner of this building to show that runoff will not be directed to the property to the north.
2. As per the November 3, 2015 and April 5, 2016 reports, the survey is incomplete in the rear of two story frame dwelling. Positive drainage away from the existing buildings and proposed addition shall be shown for this area. Top and bottom of wall elevations shall be added and proposed contours shall be provided that demonstrate positive drainage around the buildings that is not directed to the property to the north.
3. As per the November 3, 2015 and April 5, 2016 reports, proposed spot grades at the corners of the proposed terrace shall be added and positive drainage away from the terrace shall be demonstrated. Proposed ground cover in this area where parking is being removed shall be shown.

**PB #16-65: Bailey's Smoke House Resubdivision Plan
Final Resubdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
October 26, 2016
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Continuation of Condition #6...

4. As per our April 5, 2016 report, the limit of land area disturbance has been added to the plan and is listed as 0.57 acres; however, this includes just the area of new gravel parking and stormwater management facility. Areas outside the location delineated as the "area of disturbance" include

parking areas and other structures to be removed. A determination shall be made by DEME if these areas should be part of the area of disturbance and if a SWPPP is required.

5. The limit of new full height curb and drop curb along Erie Street shall be added to the plan.
6. The curve number of 74 for existing conditions off-site open space as per the curve number worksheet shall be used when calculating the composite curve number for this subarea in the hydrologic model.
7. A detail of the trash rack shall be added to demonstrate that the openings will prevent clogging of the four inch control orifice.
8. A maintenance schedule for the detention basin shall be added to the Site Plan.

10/18/16

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

-) As required by the Rockland County Stream Control Act, Chapter 846, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.
-) A review shall be completed by the New York State Department of Transportation, any concerns addressed, and any required permits obtained.
-) The Bulk Table indicates that a variance for rear yard is required, and that other variances may be required for existing conditions. In addition, two other variances were required for the gravel parking lot and the outdoor dining area, which have not been listed on the plans. Have the required variances been obtained? If not, then they must be obtained prior to granting final subdivision approval. If so, the Bulk Table must be updated to indicate such, all needed variances listed, the date that the Zoning Board of Appeals granted the variances noted, and map note #15 completed.

September 30, 2016 letter

7. Rockland County Sewer District (District) had the following comments which are incorporated herein as conditions of approval:

- 1) The District owns and maintains sewers in two an easement on Tax Lot 70.14-4-7:
 - a) No permanent structures may be built within the District easements.
 - b) If any foundation work or other types of major excavation work is to be done within close proximity to the easement boundary, the District must be notified forty-eight (48) hours in advance. Shoring or other types of precautions may be needed to protect the sewer main. The property owner must also pay these expenses.
 - c) To prevent any damages from occurring to the existing main, the District must be notified when the land within the easement is to be modified. This includes but is not limited to regrading, raising or lowering

of manhole frames, or working in close proximity to sewers and manholes within the easement.

d) The District office must approve any construction to be done with the District easements.

2) A contractor must obtain required insurance and sign a waiver to defend, indemnify, save and hold harmless both the County of Rockland and Rockland County Sewer District No. 1 from any claims arising from work performed with its easements.

3) The referenced project is located outside of Rockland County Sewer District No. 1 boundaries. If any building on this site connects to the District's sewer, then the terms and conditions for an out-of-District hookup will apply, and the District's "Commercial/ Non-residential Waste water Questionnaire" must be submitted to and approved by the District.

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Final Resubdivision Plan Approval
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8. The Rockland County Department of Health (RCDOH), Environmental Health Program reviewed the submission provided the following comments:

- Application is to be made to the Rockland County Department of Health for review of the Stormwater Management system for compliance with the County Mosquito Code.

9. Rockland County Department of Highways reviewed the submission and based upon the material provided, the Rockland County Highway Department found the proposed action will have no foreseeable adverse impact upon County Roads in the area.

10. The Town of Orangetown Highway Department recommends that the applicant consider relocating the easterly end of the proposed addition so that it is a minimum of 10 feet from the south property line.

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

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

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

15. 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:

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Continuation of Condition #15...

- 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 $\frac{3}{4}$ 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.

16. 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.

17. 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.

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

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19. 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).

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

21. 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

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

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

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

Dated: October 26, 2016

**Cheryl Coopersmith
Town of Orangetown Planning Board**

**PB #16-66: Bailey's Smoke House Site Plan
Final Site Plan Approval Subject to Conditions**

Permit #40636

**Town of Orangetown Planning Board Decision
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TO: Donald Brenner, 4 Independence Avenue, Tappan, New York 10983
FROM: Orangetown Planning Board

RE: Bailey's Smoke House Site Plan, a continued item: The application of D.P. Bailey, LLC, owner, for Final Site Plan Review, at a site known as "**Bailey's Smoke House Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 132, 136 & 140 Erie Street, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.14, Block 4, Lots 5, 6 & 7 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 26, 2016** at which time the Board made the following determinations:

Chairman Garvey recused himself from the proceedings of the meeting.

Anthony Celentano, Harry Goldstein, Kathleen Sakal, Paul Bailey, and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated October 19, 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 October 26, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 20, 2016.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated October...., 2016.
5. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated October 18, 2016.
6. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated September 30, 2016.
7. A letter from Rockland County Health Department, signed by Scott McKane, P.E., dated September 29, 2016.

8. Site Plans prepared by Anthony Celentano, PLS, dated July 28, 2015, last revision date of July 18, 2016:
 - Sheet 1 of 2
 - Sheet 2 of 2
9. Architectural Plans prepared by Harry Goldstein, R.A., dated June 5, 2016:
 - Sheet 1: Front and Rear Elevations
 - Sheet 2: Left Elevation
 - Sheet 3: Main Floor, Foundation, Typical Wall Section
10. Subdivision Plan prepared by Anthony Celentano, PLS, dated July 28, 2015, last revision date of July 18, 2016.

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11. A letter from 6 abutting property owners in Blauvelt, received in the Planning Board office on August 3, 2016, from the following residents:
 - Melanie Kershaw & Irwin Kuperberg, 3 Moison Road North;
 - Jackie & Edward Olsen, 12 Moison Road North;
 - Lisa & Michael Marucci, 20 Moison Road North;
 - Ethna Mullan, 17 Moison Road North;
 - Nikki Mulholland, 25 Moison Road North, and
 - Dana & Scott Sweney, 41 Moison Road North.
12. Copies of the following Board Decisions: PB #11-50, Preliminary Site Plan Approval Subject to Conditions, dated July 27, 2016; ZBA #16-83, Variances granted for Rear Yard and Gravel Parking Area, dated September 21, 2016 and ACABOR #16-60, Approved Subject to Conditions, dated October 6, 2016.

The Board reviewed the plan. The meeting was then open to the Public.

Public Comment:

Mike Marucci, 20 Moison Road, abutting neighbor to the rear of the lot, noted that the violation still remained outstanding and wanted the Permit number to be placed on the Site Plans. He stated that all the neighbors are concerned about the proposed outdoor dining area; the plans appeared to have 17 tables, which appeared excessive.

Lisa Marucci, 20 North Moison Road, requested that the vegetative buffer should be planted before the application goes any further. She noted that a wood pile has been on the property for a while and should be removed. Ms Marucci requested that the handicap parking not be placed on Moison Road.

Melanie Kirshawl, 3 North Moison Road....expressed concerns regarding the location of the existing walk in freezer and requested that it be relocated. She questioned some notations on the site plan, noting "out of date".

Nikki Mulholland, 25 North Moison Road, requested that the Board not approve the site plan until the vegetative buffer be in place, that no outdoor dining be approved, and that the applicant present its permit for the outdoor smokers. She questioned the applicant's ability to have a refrigerator truck on site and was opposed to any type of outdoor dining on the site.

Edward Olson, 12, North Moison Road, raised concerns regarding noise from the patrons using the outdoor dining at the site. He also expressed concerns regarding the impact of the development on drainage to the neighborhood if the elevations of the site were changed

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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. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall comply with all pertinent and applicable conditions of previous Board Decisions: PB #11-50, Preliminary Site Plan Approval Subject to Conditions, dated July 27, 2016; ZBA #16-83, Variances granted for Rear Yard and Gravel Parking Area, dated September 21, 2016 and ACABOR #16-60, Approved Subject to Conditions, dated October 6, 2016.

10/18/16

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

-) A Bulk Table must be provided on the Site Plan, listing all bulk measurements. In addition, the parking calculation note provided on the subdivision plat, seems to be based upon the square footage of the parking area and not on the gross floor area of the building, as required in Section 3.11, CS District Table, Column 6, #5. The square footage of the building must be provided, and the parking calculation derived from that

- measurement. It must be further clarified if the proposed outdoor dining area counts towards the floor area for the parking calculation. A parking variance may need to be required if the gross floor area exceeds 5,000 square feet, which is the measurement that was used for the parking calculation on the plans.
-) Details regarding the outdoor dining area should be provided, such as the hours of operation, duration of time to be used, etc.
 -) The comments in the September 30, 2016 letter from the Rockland County Sewer District #1 must be met.
 -) As indicated in the September 29, 2016 letter from the Rockland County Department of Health, an application must be made to them for review of the stormwater system to ensure compliance with the County Mosquito Code.
 -) It appears that the Resubdivision is only to merge Tax Lots 70.14-4-5 & 6 together. It is not clear if Tax Lot 70.14-4-7 is in the same ownership since it is owned by an LLC. If Mr. Bailey also owns this parcel, then all three parcels should be merged into one, especially since the restaurant use is reliant on this parcel for the parking needs. If this lot is no under the same ownership, then a cross easement, parking easement, map note, or some other legal means must be provided to guarantee that the parking will be available in the future for use of the restaurant.
 -) A legend must be provided that clearly illustrates the meaning of the different symbols used on the Site Plan.
 -) The proposed dumpster is located very far from the restaurant use. In addition, it seems to be located outside of the gravel area. How will access to the dumpster be provided? This must be clarified.
 -) It must be clarified what materials will comprise the proposed walkway.
 -) Additional landscaping should be provided in the front of the building on Erie Street, where the parking spaces are to be removed. This will reduce the likelihood of patrons trying to park in this area.
 -) Areas that were paved or in gravel, that are no longer needed for the site, should be landscaped or seeded for a lawn, so as to reduce the amount of impervious area. These areas include: the parking area to be removed along Erie Street as noted above, the area sought of the proposed walkway, which will make the outside dining area more inviting, and any of the gravel parking area that is not to be used for parking, particularly the section east of the detention basin. No notes are provided on the Site Plan regarding the disposition of this gravel area.
 -) A review shall be completed by the New York State Department of Transportation, any concerns addressed, and any 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
 -) Prior to the start of construction or grading, a soil and erosion control plans shall be developed and in place for the entire site that meets the latest edition of 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.
 -) All proposed signage shall be indicated on the Site Plan and conform to the municipality's sign standards.
 -) If variances have been granted, then Map Note #15 on the Site Plan must be updated to accurately reflect the date and ZBA Haring in which there were approved.

September 30, 2016 letter

7. Rockland County Sewer District (District) had the following comments which are incorporated herein as conditions of approval:

1) The District owns and maintains sewers in two an easement on Tax Lot 70.14-4-7:

- a) No permanent structures may be built within the District easements.
- b) If any foundation work or other types of major excavation work is to be done within close proximity to the easement boundary, the District must be notified forty-eight (48) hours in advance. Shoring or other types of precautions may be needed to protect the sewer main. The property owner must also pay these expenses.
- c) To prevent any damages from occurring to the existing main, the District must be notified when the land within the easement is to be modified. This includes but is not limited to regrading, raising or lowering of manhole frames, or working in close proximity to sewers and manholes within the easement.
- d) The District office must approve any construction to be done with the District easements.

2) A contractor must obtain required insurance and sign a waiver to defend, indemnify, save and hold harmless both the County of Rockland and Rockland County Sewer District No. 1 from any claims arising from work performed with its easements.

3) The referenced project is located outside of Rockland County Sewer District No. 1 boundaries. If any building on this site connects to the District's sewer, then the terms and conditions for an out-of-District hookup will apply, and the District's "Commercial/ Non-residential Waste water Questionnaire" must be submitted to and approved by the District.

Prelim.....

3. The existing walk in box is shown as "to be relocated" however the required minimum rear yard setback is 25 feet and 5.4 feet is proposed a variance needs to be sought from the Town of Orangetown Zoning Board of Appeals.

4. The proposed parking lot is shown as a gravel surface and pavement is required, therefore a Zoning Board of Appeals variance needs to be sought, Chapter 43, Section 6.36.

5. The landscape plan shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.

6. The landscaping shown along the west property line of the proposed parking lot property shall be installed prior to the issuance of a Building Permit for any additional work on the property.

7. The proposed gravel parking area is not acceptable as it could allow for oils, grease, gasses; to both infiltrate into the ground and flow into the proposed detention basin. Having these contaminants infiltrate into the ground through the gravel and or pass through the detention system and on into the Sparkill Creek cannot be allowed. Therefore, the proposed parking area must be paved and the stormwater from this area directed into a designed stormwater system. Also, because runoff from this site eventually enters the Sparkill Creek, the applicant's engineer will demonstrate how any grease, oils, gases, etc., from vehicles, equipment utilizing this parking lot shall be contained, treated, disposed of to ensure that they do not enter the Creek through any proposed stormwater drainage system.

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8. The applicant's engineer shall obtain written acknowledgement and permission from the Rockland County Sewer District #1 to locate a portion of the proposed detention basin in the RCSD #1 sanitary sewer easement. Copies of correspondence relating to this issue shall be submitted to the Planning Board and DEME.

9. The page and liber for the Town of Orangetown sanitary sewer easement appears to be incorrect. The applicant's engineer shall confirm the page and liber.

10. The total amount/ area of disturbance shall include all work on all of the lots. However, the calculations shall use the rainfall intensities spell out in the 2015 NYS Stormwater Management Design Manual (i.e. 100yr storm – 9.2 inches for a 24 hr. storm.) Also, the drainage calculations shall include narrative summary, design methodology, existing and proposed sub-basin maps, etc.

11. A SWPPP may be required depending on the new total of impervious area.

12. A more detailed plan of the proposed stormwater basin shall be added to the drawings. This shall include storage capacity at corresponding elevations, berm reinforcement, plantings, low flow channel/ piping, overflow spillway, maintenance and access points, etc. Also, the design calls for stormwater to enter the basin as sheet flow. This is highly problematic and may cause erosion of the basin banks. The applicant's engineer shall reexamine how the proposed stormwater is to enter the basin and design a system that is less likely to create future problems.

13. Elevations for the bottom of the proposed detention basin shall be given on the drawings.

14. The configuration of the proposed detention basin corners shall be "rounded", as 90 degree angles are hard to achieve and maintain in earthwork.

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.

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- 16.** All proposed work shall be clearly labeled on the plan.
- 17.** Soil Erosion and Sediment Control Plans and Details shall be submitted to DEME for review and approval.
- 18.** The existing and proposed sanitary sewer house/ building connections, with connection detail shall be shown on the plan, including all inverts.
- 19.** The proposed dumpster location appears to be isolated with no way of reaching it. Access to this dumpster shall be shown on the drawings.
- 20.** The multiple lines that appear to cross over/ through the handicap parking area of Lot 70.14-4-5 and into lot #70.14-4-4 were previously labeled as contours and are now not labeled. What do these lines represent?
- 21.** Outdoor ovens are shown on the current plan for Lot #70.14-4-6 but not on the previous submission. Was this approved? Does this require Rockland County Department of Health approval?
- 22.** The existing macadam parking area that is outside of the new parking area; along the western property line of Lot 70.14-4-7, shall be labeled as "to be removed and top soiled and seeded."
- 23.** The applicant is advised that the Town of Orangetown has a new F.O.G. (Fat, Oil and Grease) program, which must be complied. Due to the expansion of the restaurant, the applicant is required to upgrade their grease trap(s). The applicant shall contact the Town's F.O.G. Coordinator.
- 24.** The elevations of the referenced benchmark shall be given on the plan.
- 25.** A legend shall be added to the Site Plan.
- 26.** Typical details shall be included with the drawings, i.e. concrete curbing, catch basin, pavement, outlet structure, etc.

7. Drainage Review Recommendation: The drainage information and proposed grading plan provided for this submission demonstrates that potential significant adverse impacts with respect to drainage can be mitigated and the Drainage Consultants recommends that the D.P. Bailey, LLC Site Plan and Subdivision Plan be approved for drainage subject to the following comments:

Project Description

This is the third drainage review report to the Planning Board for this site plan and subdivision application; the last review was dated April 5, 2016. The subdivision consists of merging tax lots 70.14-4-6 and 70.14-4-5, which are the two western lots that contain the two buildings on the site and a new front terrace. The Site Plan consists of a building addition to connect the two existing buildings on the property. Modifications of the parking lot are also indicated as part of the site plan. The parking lot is mostly a gravel surface, and runoff flows downhill in an easterly direction toward a swale along the west side of the Consolidated Rail Corps railroad along the east property line of the site. The swale is very flat, and the direction of water flow within this swale is not clear based on the survey. There is a berm along this property line that controls how runoff leaves the parking lot and enters the swale. Stormwater calculations have been provided and a detention facility has been added. For this submission, the existing gravel parking lot uses an assumed soil ground cover for existing conditions.

Project Comments

1. As per the November 3, 2015 and April 5, 2016 reports, the existing drainage west of the east building (the restaurant building) flows east towards the east building; the building addition may create a damming effect that will result in ponding. More detail is needed of the grading in this area to demonstrate that the addition will not block surface runoff on the west side of the existing building from the natural flow pattern. Proposed contours shall be added at the northwest corner of this building to show that runoff will not be directed to the property to the north.
2. As per the November 3, 2015 and April 5, 2016 reports, the survey is incomplete in the rear of two story frame dwelling. Positive drainage away from the existing buildings and proposed addition shall be shown for this area. Top and bottom of wall elevations shall be added and proposed contours shall be provided that demonstrate positive drainage around the buildings that is not directed to the property to the north.

3. As per the November 3, 2015 and April 5, 2016 reports, proposed spot grades at the corners of the proposed terrace shall be added and positive drainage away from the terrace shall be demonstrated. Proposed ground cover in this area where parking is being removed shall be shown.
4. As per our April 5, 2016 report, the limit of land area disturbance has been added to the plan and is listed as 0.57 acres; however, this includes just the area of new gravel parking and stormwater management facility. Areas outside the location delineated as the "area of disturbance" include parking areas and other structures to be removed. A determination shall be made by DEME if these areas should be part of the area of disturbance and if a SWPPP is required.
5. The limit of new full height curb and drop curb along Erie Street shall be added to the plan.
6. The curve number of 74 for existing conditions off-site open space as per the curve number worksheet shall be used when calculating the composite curve number for this subarea in the hydrologic model.
7. A detail of the trash rack shall be added to demonstrate that the openings will prevent clogging of the four inch control orifice.
8. A maintenance schedule for the detention basin shall be added to the Site Plan.

28. Rockland County Sewer District (District) had the following comments which are incorporated herein as conditions of approval:

- 1)** The District owns and maintains sewers in two an easement on Tax Lot 70.14-4-7:
 - a)** No permanent structures may be built within the District easements.
 - b)** If any foundation work or other types of major excavation work is to be done within close proximity to the easement boundary, the District must be notified forty-eight (48) hours in advance. Shoring or other types of precautions may be needed to protect the sewer main. The property owner must also pay these expenses.
 - c)** To prevent any damages from occurring to the existing main, the District must be notified when the land within the easement is to be modified. This includes but is not limited to regrading, raising or lowering of manhole frames, or working in close proximity to sewers and manholes within the easement.
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- 2)** A contractor must obtain required insurance and sign a waiver to defend, indemnify, save and hold harmless both the County of Rockland and Rockland County Sewer District No. 1 from any claims arising from work performed with its easements.

- 3)** The referenced project is located outside of Rockland County Sewer District No. 1 boundaries. If any building on this site connects to the District's sewer, then the terms and conditions for an out-of-District hookup will apply, and the District's "Commercial/ Non-residential Waste water Questionnaire" must be submitted to and approved by the District.

29. The Town of Orangetown Fire Prevention Bureau had the following comments regarding the Bailey's Restaurant Site Plan: These items shall be LOCATED in the building AND shall be noted on the Site Plan Drawings as "Notes".

1. A new 5,000 square foot restaurant requires an NFPA 13 Compliant sprinkler System; Maintained as per NFPA 25.
2. An NFPA 72 Compliant Fire Alarm System with an approved direct connection to Rockland 44-Control, with Amber & Red strobes as per Orangetown Code. Also, Carbon Monoxide detectors, connected to the Fire Alarm panel.
3. A UP 300 compliant Hood suppression system, a Class 1 kitchen hood with make-up air.
4. Portable Fire Extinguishers as per NFPA 10.
5. Emergency Lighting as per NEC.

6. The Bureau of Fire Prevention requires a floor usage plan and the business must apply for and maintain a Certificate of Compliance Fire Safety with the Bureau of Fire Prevention.
7. All systems, Fire Sprinkler, Fire Alarm and Hood suppression must be engineered and submitted to the Bureau of Fire Prevention prior to beginning construction.

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30. Rockland County Department of Highways reviewed the submission and based upon the material provided, the Rockland County Highway Department found the proposed action will have no foreseeable adverse impact upon County Roads in the area. A Rockland County Work Permit will not be required for this development.

31. The Town of Orangetown Highway Department recommends that the applicant consider relocating the easterly end of the proposed addition so that it is a minimum of 10 feet from the south property line.

32. The Rockland County Department of Health (RCDOH), Environmental Health Program reviewed the submission provided the following comments:

- Application is to be made to the Rockland County Department of Health for review of the Stormwater Management system for compliance with the County Mosquito Code.

34. 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.

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

36. 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.

37. 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 $\frac{3}{4}$ 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.

38. 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.

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39. 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.

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

41. 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).

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

43. 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

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

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

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

**Dated: October 26, 2016
Cheryl Coopersmith
Town of Orangetown Planning Board**