

Meeting of March 27, 2013
TOWN OF ORANGETOWN PLANNING BOARD

MEMBERS PRESENT: Kevin Garvey, Chairperson; Bruce Bond; William Young; Michael Mandel; Jeffrey Golda and Robert Dell

MEMBERS ABSENT: John Foody

ALSO PRESENT: John Giardiello, Director, Department of Building, Zoning, Planning Administration and Enforcement; Robert Magrino, Deputy Town Attorney; Ann Marie Ambrose, Stenographer and Elizabeth Decort, Clerk

Kevin Garvey, Chairperson 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 March 13, 2013 Meeting:

One Ramland Road Site Plan Amendment PB #12-54
Prepreliminary/ Preliminary Site Plan Preliminary Site Plan
& SEQRA Review Approval Subject to
73.20/1/23 & 24; LIO zoning district Conditions/ Neg. Dec.

New Items:

Henry Kaufmann Campgrounds, Inc. PB #13-10
Conditional Use Permit Conditional Use Permit
Prepreliminary/ Preliminary/ Final Final Approval Subject to
Conditional Use Permit & SEQRA Review Conditions/ Neg. Dec.
69.14/1/28 & 69.10/2/21; R-80 zoning district

Walther Minor Subdivision Plan PB #13-11
Prepreliminary/ Preliminary Preliminary Approval
Subdivision Plan & SEQRA Review Subject to Conditions
78.17/2/20; R-40 zoning district Neg. Dec.

LSI Services, Inc., Site Plan PB #13-12
Prepreliminary/ Preliminary Site Plan Postponed to
& SEQRA Review April 10th Meeting
76.08/1 /1; LIO zoning district

155 Corporate Drive Site Plan Amendment PB #13-13
Prepreliminary/ Preliminary/ Final Preliminary Site
Site Plan Amendment to Approved Plan Approval
Site Plan & SEQRA Review Subject to Conditions
73.15/1/18 & 73.19/1/1; LIO zoning district Reaffirm Neg. Dec.

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Continued Item from July 18, 2012 Meeting:

**Organic Recycling – Outside Commercial
Subdivision of Space Plan**

Prepreliminary/ Preliminary/ Final
Subdivision Plan and SEQRA Review
74.19/1/3; LI zoning district

**Preliminary Approval
Subject to Conditions
Neg. Dec.**

PB #12-35

Other Business: The Board reviewed a referral from the Village of Piermont regarding Graff Subdivision and consents to the Village to serve as Lead Agency for coordination of the environmental review.

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 Michael Mandel and agreed to by all in attendance. The meeting was adjourned at 9:50 p.m. The next Planning Board meeting is scheduled for April 10, 2013.

DATED: March 27, 2013
Town of Orangetown Planning Board



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PB #12-54: 1 Ramland Road Site Plan – 1547 – Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

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

RE: One Ramland Road Site Plan Amendment: The application 1547 Ramland, applicant, for Ramland Holding LLC, owner, for an Amendment to the Approved Site Plan, Prepreliminary/ Preliminary Site Plan Review (Donald Brenner, Attorney for the owner), at a site known as “ **One Ramland Road Site Plan Amendment**”, 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 One Ramland Road, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.20, Block 1, Lots 23 & 24 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held, **Wednesday, December 12, 2012 and March 13 & 27, 2013**, at which time the Board made the following determinations:

December 12, 2012

Donald Brenner appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated December 5, 2012.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated December 12, 2012.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated December 6, 2012.
4. A letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, Commissioner of Planning, dated December 11, 2012.
5. Letters from Rockland County Department of Highways, signed by Joseph Arena, Senior Engineering Technician, dated December 5 & 7, 2012.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated November 16, 2012.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated December 4, 2012.

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8. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael B. Bettmann, Chief Fire Inspector, dated November 26, 2012.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated November 21, 2012.
10. A Short Environmental Assessment Form, dated November 13, 2012, signed by Jerry Martin.
11. Plans prepared by Jay Greenwell, PLS:
 - Sheet 1: Phase 2 – Site Development Plan for Expansion, dated November 6, 2012
 - Sheet 2: Site Development Plan Auxiliary Power, dated February 10, 2012, last revision October 19, 2012.

Public Comments:

Howard Andrews, 100 Dutch Hill Road, requested information regarding the type of chiller system to be used on the site.

Stephen Del Savio, 262 Trenton Place, wanted to know if the applicant was presently operating in the building. Mr. Del Savio saw lights coming out of the building in the evenings. He requested that the chillers and generators be placed closer to Ramland Road.

The applicant requested a **CONTINUATION**.

March 13, 2013

Donald Brenner, Diego Villareale and Jay Greenwell appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated March 6, 2013.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated March 13, 2013.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 8, 2013.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated March 13, 2013.

Public Comment:

Stephen Del Savio, 262 Trenton Place, wanted to know if evergreen trees could be planted at the rear of the parking facility.

The applicant requested a **CONTINUATION**.

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Donald Brenner, Diego Villareale, Brook Cossan, Pat Hynes and Jay Greenwell appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated March 20, 2013.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated March 27, 2013.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 8, 2013.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated March 13, 2013.
5. A letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, Commissioner of Planning, dated December 11, 2012.
6. An Acoustical Review Report prepared by Mack Associates, dated March 22, 2013, signed by Brook Cossan, Ph.D. P.E., President.

Public Comment:

Stephen Del Savio, 262 Trenton Place, raised concerns regarding the placement of the chillers.

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

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Bruce Bond and seconded by Jeffrey Golda and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; John Foody, absent and Jeffrey Golda, 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.

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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 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: Rockland County Department of Highways, Rockland County Sewer District #1, Rockland County Health Department, Town of Orangetown Zoning Board of Appeals, and having reviewed a Plan by prepared by Jay Greenwell, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

On motion by Michael Mandel and seconded by Bruce Bond and carried as follows: Kevin Garvey, aye; Michael Mandel, aye; Bruce Bond, aye; Robert Dell, aye; John Foody, absent; William Young, aye; and Jeffrey Golda, 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 A PRELIMINARY SITE PLAN APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
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 Full Environmental Assessment Form (EAF) appears to be in order.
4. The Full EAF has a total of 462,000 square feet for building area yet the plans show a total of 379,000 square feet. The Floor Area Ratio (F.A.R.) for 379,000 square feet is 0.27 yet the Table of Land Use has 0.16 for F.A.R. Please clarify the total square footage of the existing building and proposed building expansion will be.
5. The property exists as 2 tax lots and shall be merged for the proposed project. This requires a separate subdivision plat. Based on that, the Site Plan is being reviewed as if the property was already merged into one lot.
6. A variance from the Town of Orangetown Zoning Board of Appeals needs to be sought for the height: 23.2 feet is allowed, 37 feet is existing and 60 feet is proposed.
7. The direction of drainage flow shall be labeled on the Site Plan with arrows.
8. Details of the substation need to be provided; such as height. etc.
9. Details of the generators and chillers need to be provided. A noise attenuation study shall be submitted to the Planning Board.

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10. The Site Plan shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review for site lighting, landscaping, etc.
11. The Site Plan shall indicate the total number of loading berths needed for this use.
12. The Site Plan shall indicate if the trash compactor will need to be modified based on the proposed addition.
13. The height of the proposed retaining wall shall be labeled on the site layout and landscaping plan.
14. The SWPPP is currently under review by DEME.
15. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to DEME and the Town of Orangetown Town Attorney's office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc.
16. The instrument number (page and liber) as well as ownership of all existing easements shall be given on the Site Plan.
17. A sanitary building connection shall be shown for the proposed 3 story building, if required.
18. The Drainage Consultant to the Planning Board, Brooker Engineering, found that the information provided demonstrated that potential significance adverse environmental impacts to stormwater quality and quantity can be mitigated. The consultant recommends that the Data Center Building Center Expansion Site Plan be approved for drainage subject to the following Project Comments:
 - a. Site disturbance is greater than one acre. A full Stormwater Pollution Plan has been including post construction stormwater quality and quantity mitigation has been prepared. A stormwater management basin as per NYSDEC best management practices Pocket Pond P-5 is proposed and shall be labeled on the Site Plan. The permanent pool elevation of 77.90 shall be labeled on the Site Plan. The various runoff reduction measures that are proposed as part of the SWPPP shall be labeled on the Site Plan.
 - b. The existing end section on the west wetland has an invert elevation of 73.3 and the upstream drainage manhole has an invert elevating of 73.3 and the upstream drainage manhole has an invert of 76.15. It appears that the existing 19" x 30" pipe is back pitched. The slope of the pipe shall be verified and replaced if a positive slope is not present. The crown of the new 15 inch drainage pipe that discharges to the above noted drainage manhole shall match the existing crown.

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Continuation of Condition #18.....

- c. The proposed footing drain for the new building addition shall be shown on the plan.
- d. A hydraulic analysis of the wetland that receives the outfall from the stormwater management basin shall be performed to demonstrate that backwater effects from the pond will not submerge the proposed basin and result in dead storage.
- e. The proposed retaining wall will form a swale along the high side of the wall; this shall be labeled on the Site Plan and the point of discharge shown.
- f. It is recommended that the proposed outlet structure be moved north of the overflow spillway and/or along the east side of the basin in order to facilitate access for maintenance.
- g. A maintenance schedule for the basin shall be included on the Site Plan.
- h. Details for the proposed gravel areas shall be added to the Site Plan.
- i. Details for the fuel storage tanks shall be added to the Site Plan. Permits from the Rockland County Department of Health will be necessary. If the tanks are proposed to be Above Ground Storage Tanks, then secondary containment shall be shown and the provisions for draining stormwater in the secondary containment area shall be included with the Site Plan.

- 19.** Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
- a. A review must be completed by the County of Rockland Department of Highways and all required permits obtained.
 - b. A review must be completed by the County of Rockland Department of Health and all required permits obtained.
 - c. A review must be completed by the New York State Department of Environmental Conservation and all required permits obtained.
 - d. A review shall be completed by the U.S. Army Corps of Engineers and any required permits obtained.
 - e. A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (August 2010) and local ordinance.
 - f. 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.
 - g. There shall be no net increase in stormwater runoff from the site.
 - h. If the storage tank for the diesel fuel is 1,000 gallons or more, then a review must be obtained from the Rockland County Department of Health, as per the Rockland County Sanitary Code Article X, and all required permits obtained.

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Continuation of Condition #19.....

- i. A narrative shall be provided that clearly explains what is being proposed, the parking that will remain, and the phasing, if any, of the project.
 - j. The Rockland County Department of Planning requests the opportunity to review any variances that may be requested from the Town of Orangetown Zoning Board of Appeals in order to implement the revised Site Plan, as required by New York State General Municipal Law, Section 239-m, (a) (v).
- 20.** The Site Plan contains a road widening along Blaisdell Road in reference to a subdivision map filed under a previous owner, the status of which is unknown. This dedication shall be finalized in the form of a deed filed within the County Clerk's Office.
- 21.** Any drainage report prepared for this project shall be forwarded to Rockland County Department of Highway for review.
- 22.** A Rockland County Highway Department Work Permit will be required for the proposed site improvements, and must be secured prior to the start of any excavation or construction on the site.
- 23.** This project requires a proposed underground electrical service and temporary utility access off Blaisdell Road. A 30 foot wide drainage easement will have to be traversed adjacent to Federal Wetlands, and the sidewalk along Blaisdell Road may be disturbed. The drainage ditch along the east side of Blaisdell Road must be restored in-kind or improved so that a positive flow of water may continue in this area. The applicant shall be responsible to install and maintain adequate soil and control devices during construction as required.
- 24.** The Rockland County Department of Health (RCDOH) reviewed the plans and found that application is to be made to RCDOH for review of the Stormwater Management system for compliance with the County Mosquito Code.
- 25.** The Town of Orangetown Bureau of Fire Prevention had the following comments which are incorporated herein as conditions of approval:
- a. All roadways, turnarounds, etc. must provide a proper turning radius to accommodate a 55 foot long piece of fire apparatus.
 - b. All roadways must be a minimum of 26 feet in width with vertical clearance of 13 feet 6 inches.
 - c. All proposed fire lanes are to be shown on the Site Plan. Any fire lane less than 26 feet wide must have fire lane signs posted on both sides. Any fire lane over 26 feet wide must be posted on one side as required by the Fire Inspector.

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Continuation of Condition #25.....

- d. A plan showing all building heights, number of floors, construction type, etc. must be submitted as this may affect hydrant distances, road widths, sprinkler connections, etc.
- e. Provide a Site Plan for Fire Service Features: Turning Radius as required, fire Hydrants, turnarounds, road widths throughout, include all items noted above.
- f. All gates shall comply with all of the following criteria:
 - a) The minimum gate width shall be 20 feet (6096mm).
 - b) Gates shall be of the swinging or sliding type.
 - c) Construction of gates shall be of materials that allow manual operation by one person.
 - d) Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
 - e) Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the Code Enforcement Official.
 - f) Manual opening gate shall not be locked with a padlock or chain and padlock unless that are capable of being opened by means of forcible entry tools or when a key box containing the key(s) to the lock is installed at the gate location.
 - g) Locking device specifications shall be submitted for approval by the Code Enforcement Official.

26. 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 Highways
- Rockland County Sewer District #1
- Rockland County Health Department
- Town of Orangetown Zoning Board of Appeals

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

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

29. 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. Plan.

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30. 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 ¼ inch of plywood or boards, or equal over the area to be protected.
- The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

31. All landscaping shown on the site 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.

32. 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.

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

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34. 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).
35. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
36. 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
37. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

Overrides

The Board made the following motions to override Conditions #10, #11, #12, #13 & #14 of the December 11, 2012 letter from Rockland County Department of Planning, signed by Thomas Vanderbeek, Commissioner of Planning, for the following reasons:

- #10) 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 Board held that the parking facility was already illuminated. In addition, the site would be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review for lighting on the site.

A motion to override the condition was made and moved by Kevin Garvey and seconded by Michael Mandel and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, absent.

- #11) A landscaping plan must be submitted. Low evergreen landscaping shall be provided in front of the parking spaces that face the County roadway to prevent the lights from shining into the right of way.

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Continuation of Overrides....

The Board held that the applicant will be required to appear and present a lighting and landscaping plan to the Town of Orangetown Architecture and Community Appearance Board of Review.

A motion to override the condition was made and moved by Kevin Garvey and seconded by Michael Mandel and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, absent.

#12) A signage plan that conforms to the Town of Orangetown standards must be submitted for review. The signs must be kept out of the County right of way.

The Board held that the applicant does not plan any signage on the site.

A motion to override the condition was made and moved by Kevin Garvey and seconded by Michael Mandel and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, absent.

#13) As proposed, there is adequate parking provided for the site. However, if in the future the use were to change, additional parking might be needed. Future parking areas shall be shown on the site plan in the event the use changes and more parking is required.

The Board held that parking on the site is adequate for the use. In the event the use changes and the parking count needs adjustments, the applicant shall return to the Planning Board for review and approval.

A motion to override the condition was made and moved by Kevin Garvey and seconded by Michael Mandel and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, absent.

#14) The parking table shows that 532 parking spaces are being provided for the site. However, only 509 parking spaces are shown on the site plan; this includes the 25 parking spaces just south of the proposed building. Clarify if these 25 parking spaces abutting the proposed building be used for future parking. If so, how will access be provided since there is a proposed curb along the length of this area. It should be made clear if these 25 spaces are included in the future site plan, and the parking calculations corrected.

The Board held that parking on the site is adequate for the use. In the event the use changes and the parking count needs adjustments, the applicant shall return to the Planning Board for review and approval.

A motion to override the condition was made and moved by Kevin Garvey and seconded by Michael Mandel and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, absent.

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Continuation of Overrides....

#15) The application form, part 1, and the Short Environmental Assessment Form show that the proposed building will be 250,000, while the site plan shows it to be 230,000 square feet. All material shall be consistent.

The Board held that the applicant submitted a Full Environmental Assessment Form, which was consistent with the all the material submitted.

A motion to override the condition was made and moved by Kevin Garvey and seconded by Michael Mandel and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, absent.

The foregoing Resolution was made and moved by Jeffrey Golda and seconded by Michael Mandel and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; John Foody, absent; Michael Mandel, aye; Robert Dell, aye and Jeffrey Golda, 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: March 27, 2013

Town of Orangetown Planning Board

attachment



TOWN CLERKS OFFICE
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TOWN OF ORANGETOWN

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

**PB #12-54: 1 Ramland Road Site Plan – 1547 – Preliminary Site Plan
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
March 27, 2013**

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: 1 Ramland Road Site Plan – 1547 – 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 One Ramland Road, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.20, Block 1, Lots 23 & 24 in the LJO zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

John Giardiello, P.E., Director, Office of Building, Zoning and Planning
Administration and Enforcement; Town of Orangetown; 20 Greenbush Road
Orangeburg, NY 10962; Telephone Number: 845-359-5100
For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent: - Commissioner, New York State Department of Environmental Conservation, - Region 3 Headquarters, NYSDEC, - Town Supervisor, Applicant
- Involved Agencies

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**PB #13-10: Henry Kaufmann Campgrounds, Inc. Conditional Use Permit
Granted / Neg. Dec.**

**Town of Orangetown Planning Board Decision
March 27, 2013
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TO: Cheryl Dean Ward, Henry Kaufmann Campgrounds, 667 Blauvelt Road,
Pearl River, New York 10965
FROM: Orangetown Planning Board

RE: Henry Kaufmann Campgrounds, Inc. Conditional Use Permit: The application of Henry Kaufmann Campgrounds, Inc., applicant, for UJA Federation of New York, owner, for Conditional Use Permit Review, Preliminary/ Preliminary/ Final Review, (Donald Brenner, attorney for the applicant), at a site known as "**Henry Kaufmann Campgrounds, Inc. Conditional Use Permit**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 667 Blauvelt Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.14, Block 1, Lot 28 & Section 69.10, Block 2, Lot 21 in the R-80 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, March 27, 2013**, at which time the Board made the following determination:

Jeff Coopersmith, Cheryl Dean Ward, Jay Greenwell and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated March 20, 2013.
2. An interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated March 27, 2013.
3. An interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated March 21, 2013.
4. A letter from Rockland County Department of Planning, Thomas Vanderbeek, P.E., Commissioner of Planning, dated March 26, 2013.
5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated March 14, 2013.
6. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated March 19, 2013.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 6, 2013.
8. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated March 13, 2013.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated March 6, 2013.
10. A Short Environmental Assessment Form signed by Jeffrey Coopersmith, Executive Director, dated February 25, 2013.

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**PB #13-10: Henry Kaufmann Campgrounds, Inc. Conditional Use Permit
Granted / Neg. Dec.**

**Town of Orangetown Planning Board Decision
March 27, 2013
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11. A letter from the Henry Kaufmann Campgrounds, Inc., signed by Cheryl Dean Ward, Director of Events and Food Service.
12. Site Plan prepared by Jay Greenwell, PLS, entitled "Family Recreation Park", dated March 20, 2013.
13. Copy of Building Permit application, dated February 28, 2013.

The Board reviewed the Plan

Public Comments:

Larna Carroll, 62 McKinley Street: Raised concerns regarding traffic and security to the Reid and McKinley entrance to camp.

Robert Beers, 81 Sickletown Road: Expressed concerns to night time camping and a public address system on the property. He felt it would be a nuisance to the neighborhood.

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

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

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Jay Greenwell, PLS, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of

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Environmental Management and Engineering, and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Highways, Rockland County Sewer No. 1, Rockland County Drainage Agency, Rockland County Department of Health, and having reviewed the proposed plan, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

On motion by William Young and seconded by Jeffrey Golda and carried as follows: Kevin Garvey, aye; Michael Mandel, aye; Bruce Bond, aye; Robert Dell, aye; John Foody, absent; William Young, aye; and Jeffrey Golda, aye, the Board made a Negative Declaration pursuant to SEQRA.

In view of the foregoing and the testimony before the Board, the application was GRANTED A CONDITIONAL USE PERMIT, pursuant to Chapter 43, Section 8.1 of the Town of Orangetown Zoning Code. The Board made the following Findings and Comments:

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Town of Orangetown Planning Board Decision
March 27, 2013
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- The proposed use, size and character is in harmony with the development in the district in which it is proposed to be situated and will not be detrimental to the zoning classification of such properties.
- The proposed location and size of the use, nature and intensity of operations involved, and the site layout in relation to access streets will not be hazardous to pedestrian or vehicular traffic.
- The proposed location and height of the building, fences and landscaping will not hinder or discourage development or use of adjacent land and buildings.
- The proposed use will not require additional public services or create fiscal burdens upon the Town of Orangetown greater than those which characterize uses permitted by right.

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

1. The applicant wishes to open the pool facilities to the general public for weekend use (Friday evenings, Saturdays, Sundays and Holidays). A Conditional Use Permit Approval for "Private Swim Club" is needed. No changes are being proposed to the actual facilities at this time.
2. The concession stand will serve packaged food only. No cooking will be done at the concession stand.
3. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - a. The conditions of the Rockland County Department of Highways letter dated March 14, 2013 must be met. All required permits must be obtained.
 - b. The comments in the March in the March 13, 2013 letter from the Rockland County Drainage Agency must be integrated into the Conditional Use Permit request.
 - c. The comments in the March 6, 2013 letter from the Rockland County Department of Health must be addressed.
4. The Rockland County Department of Highways held that the proposed community swim facility for weekend use on non-camp hours should have minimum impact on the county road as long as that the south access point near the bend on Sickletown Road is shown not to be used for this conditional use.
5. The Rockland County Department of Health reviewed the application for a Conditional Use Permit to use the existing facility as a private swim club on weekends and holidays and found that the applicant should be made aware that the change in use may require additional permits from the County Health Department.

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6. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping, it has been determined that the parcel located at 667 Blauvelt Road, Pear River, is within RCDA jurisdiction. However, the current proposal, under review by the Town of Orangetown Planning Board is for a conditional use Permit. Construction activity is not proposed at this time; therefore a stream Control Act Permit from the RCDA will not be required. Any future decisions or determinations made by the Town of Orangetown land use boards should indicate that this parcel is within the jurisdiction of the RCDA and that a Stream Control Act Permit from the RCDA is required prior to any proposed construction, fill placement or any other land disturbance at this site.
7. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
 - Rockland County Department of Health
 - Rockland County Sewer District #1
 - Rockland County Department of Highways
 - Town of Orangetown Zoning Board of Appeals
 - Rockland County Drainage Agency

Override

The Board made a motion to override Condition #4 of the March 26, 2013 letter from Rockland County Department of Planning, signed by Thomas Vanderbeek, P.E., Commissioner of Planning, for the following reasons:

#4. A Parking table must be provided to show the parking needs for the more intense use. Adequate parking must be provided on site for this increased use. A more detailed site plan may need to be provided to highlight the areas where additional parking must be supplemented to accommodate the community use.

The Board held that there is adequate and existing parking on site.

A motion to override the condition was made and moved by Michael Mandel and seconded by William Young and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, absent.

The foregoing Resolution was made and moved by William Young and seconded by Michael Mandel and carried as follows: Kevin Garvey, aye, Bruce Bond, aye; Robert Dell, aye; Michael Mandel, aye; John Foody, absent; Jeffrey Golda, aye; and William Young, aye.

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

Dated: March 27, 2013

Town of Orangetown Planning Board

attachment



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TOWN OF ORANGETOWN

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

**PB #13-10: Henry Kaufmann Campgrounds, Inc. Conditional Use Permit
Granted / Neg. Dec.**

**Town of Orangetown Planning Board Decision
March 27, 2013**

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: Henry Kaufmann Campgrounds, Inc. Conditional Use Permit

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

DESCRIPTION OF ACTION: Conditional Use Permit Granted / Neg. Dec.

LOCATION: The site is located at 667 Blauvelt Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.14, Block 1, Lot 28 & Section 69.10, Block 2, Lot 21 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 development. The proposed action is consistent with the Town of Orangetown's Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

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

For Further Information contact:

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

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

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**PB #13-11: Walther Minor Subdivision; Preliminary Subdivision Plan
subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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TO: Donald Brenner, P.E., LL.B., 4 Independence Avenue, Tappan,
New York 10983

FROM: Orangetown Planning Board

RE: Walther Minor Subdivision Plan: The application of Sue Walther,
owner, for Prepreliminary/ Preliminary Subdivision Plan Review (Donald Brenner,
attorney for the owner), at a site to be known as "**Walther Minor 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 694 Oak Tree
Road, Palisades, Town of Orangetown, Rockland County, New York, and as
shown on the Orangetown Tax Map as Section 78.17, Block 2, Lot 20 in the R-40
zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held
Wednesday, March 27, 2013, the Board made the following determinations:

Donald Brenner, Jay Greenwell, William and Sue Walther appeared and testified.
The Board received the following communications:

1. Project Review Committee Report dated March 20, 2013.
2. An interdepartmental memorandum from the Office of Building, Zoning,
Planning Administration and Enforcement, Town of Orangetown, signed by
John Giardiello, P.E., Director, dated March 27, 2013.
3. An Interdepartmental memorandum from the Department of Environmental
Management and Engineering (DEME), Town of Orangetown, signed by
Bruce Peters, P.E., March 21, 2013.
4. Letters from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated
March 21 & 26, 2013.
5. A letter from Rockland County Department of Planning, signed by
Thomas Vanderbeek, P.E., Commissioner of Planning, dated March 22, 2013.
6. A letter from the Rockland County Department of Highways, signed by
Sonny Lin, P.E., March 13, 2013.
7. A letter from Rockland County Sewer District No. 1, signed by
Joseph LaFiandra, Engineer II, dated March 19, 2013.
8. Letters from Rockland County Department of Health, signed by
Scott McKane, P.E., Senior Public Health Engineer, dated
February 27, 2013.
9. A letter from the Rockland County Drainage Agency, signed by
Vincent Altieri, Executive Director, dated March 11, 2013.

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**PB #13-11: Walther Minor Subdivision; Preliminary Subdivision Plan
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**Town of Orangetown Planning Board Decision
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10. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael B. Bettmann, Chief Fire Inspector, dated March 8, 2013.
11. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated March 6, 2013.
12. Subdivision Plan prepared by Jay Greenwell, PLS, dated December 21, 2012:
 - Sheet 1 of 2: Subdivision of Property, revised January 23, 2013
 - Sheet 2 of 2: Grading, Drainage & Utility Plan, revised January 31, 2013
13. A Short Environmental Assessment Form signed by Sue Walther, dated February 19, 2013.
14. Submitted at the meeting by the applicant, a report entitled "Proposal for Flag Lot Subdivision of 694 Oak Tree Road Palisades, New York 10964"
15. Submitted at the meeting, a copy of a letter, with attachments from Jay Greenwell, PLS, to Ken DeGennaro, P.E., Drainage Consultant to the Planning Board, dated March 27, 2013.
16. Walther Subdivision Drainage Analysis, dated January 28, 2013, signed and sealed by Edward Maikish, P.E.

Public Comment:

Larry Bucciarelli, 700 Oak Tree Road: requested that the applicant consider screening the home in the rear lot.

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

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

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Town of Orangetown Planning Board Decision

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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, Rockland County Department of Highways and having reviewed a proposed Subdivision plan by prepared by Jay Greenwell, PLS a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

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On motion by Bruce Bond and seconded by William Young and carried as follows: Bruce Bond, aye; Michael Mandel, aye; Robert Dell, aye; John Foody, absent; William Young, aye; Jeffrey Golda, aye and Kevin Garvey, 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 APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. The following note shall be placed on the subdivision plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The following Zoning Board of Appeals Variances need to be sought from the Town of Orangetown Zoning Board of Appeals:
 - A) **Lot #1:**
 - Minimum Lot Width of 150 feet is required and 135 is existing,
 - Minimum Front Yard of 50 feet is required and 39.2 feet is existing,
 - Minimum Side Yard of 30 feet is required and 8.5 feet is existing,
 - Total Side Yards of 80 feet is required and 52.9 feet is proposed, and
 - Maximum Building Height of 5.7 feet is allowed and an existing height shall be provided by the applicant's surveyor.
 - B) **Lot #2:**
 - Minimum Lot Width of 150 feet is required and 135 is existing, and
 - Minimum Street Frontage of 100 feet is required and 20.17 feet proposed.
 - C. **Lots #1 and #2:**
 - Gravel Driveway Variances required.
4. The Short Environmental Assessment Form appears to be in order.

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**PB #13-11: Walther Minor Subdivision; Preliminary Subdivision Plan
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**Town of Orangetown Planning Board Decision
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5. The proposed dwelling shall be reviewed by the Town of Orangetown Historic Areas Board of Review.
6. The Site and Landscaping Plans shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
7. The drainage calculations are currently under review by DEME.
8. Details for the amount and type of plantings for the proposed rain garden shall be provided on the plans.
9. A detail for the proposed gravel driveway shall be provided on the plans. The applicant is reminded that the driveway must support the weight of emergency vehicles.
10. The invert elevation of the proposed sanitary house connection for Lot #2 shall be given on the plans.
11. The metes and bounds for the proposed sanitary house connection for Lot #2 shall be given on the plans.
12. The Drainage Consultant to the Planning Board, Brooker Engineering reviewed the application and found the application sufficiently demonstrates that potential significant adverse impacts with respect to drainage can be mitigated. The consultant therefore recommends that the **Walther Subdivision be approved for drainage subject to the following comments:**

The project is a proposed two lot subdivision; there is an existing house to remain along the Oak Tree Road frontage and the proposed lot is located behind the existing house. The property to the west is owned by the South Orangetown School District and there is an existing school building located about five feet from the property line.

Project Comments

- (1) There are several large trees near the north corner of the school building that do not appear on the mapping; this shall be verified.
- (2) A swale shall be added in the rear yard of the proposed house that diverts stormwater runoff around the house.
- (3) The existing ditch that crosses under the proposed driveway shall be addressed. Either the portion of the ditch on the south side of proposed driveway should be filled, or a drainage pipe under the driveway should be added.

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**PB #13-11: Walther Minor Subdivision; Preliminary Subdivision Plan
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Continuation of Condition #12.....

(4) The spillway width of the rain garden shall be shown on the Rain Garden Detail and Site Plan. A plan view of the Rain Garden shall be added to the detail. The proposed contours around the rain garden shall coordinate with the Rain Garden Detail; the top of rain garden is shown as elevation 189.5 and the spillway at elevation 189.0.

(5) The Rain Garden underdrain invert is elevation 187.0 and the pipe outlet discharges at elevation 187.0. The underdrain pipe diameter and slope from the Drainage Report shall be added to the Site Plan. The elevation of the underdrain outlet shall be verified as providing a positive outlet.

(6) For ease of inspection, maintenance, and enforcement, the note on the Rain Garden Detail, "Rain Garden shall be planted with appropriate plants and shrubs as recommended by the Cornell Cooperative Extension", shall be modified and the Site Plan shall provide a list of plants and shrubs from which the owner may select.

(7) The proposed driveway shall be extended to the dwelling and garage. A reasonable amount of sidewalks, patios, and decks shall be shown on the plan

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

a. The comments and conditions of the Rockland County Department of Highways letter dated March 13, 2013 must be met. All required permits must be obtained.

b. As stated in the March 11, 2013 letter from the Rockland County Drainage Agency, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk can accept the plan to be filed.

c. The condition in the February 27m 2013 letter from the County of Rockland Department of Health must be met.

d. This application proposes to create two undersized lots, one of which is also encumbered with federal wetlands. Since similar sized and larger parcels are contiguous to and nearby this property, Rockland County Department of Planning cautions the Town to consider the precedent that may be set if this subdivision is approved. Other property owners may also request subdivisions of substandard lots, undermining the intent of the zoning ordinance.

e. 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.

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Continuation of Condition #13.....

- f. There shall be no net increase in stormwater runoff from the site at all design points.
- g. The map notes contain two #28 notes. The second note shall be renumbered to be #29.
- h. A conservation easement shall be added to the portion of the property on Lot #2 that is located within the federal wetlands. The clearing limits must be clearly delineated in the field prior to any grading or construction on site to avoid any encroachments into this area. In addition, the conservation easement boundary shall be recorded in the deed so that all future property owners are aware of its existence and restrictions. It must be stated that no grading, structures, or other manmade features are to be placed within this easement area. This document is subject to review and approval in substance and form by the DEME and the Town of Orangetown Town Attorney's Office.
- i. A Stormwater pollution prevent plan (SWPPP) was not provided. A SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (August 2010) and local ordinances.

14. Rockland County Department of Highways reviewed the plans and offered the following remarks:

- The existing property is located at the proximity of Oak Tree Road and skewed Closter Road Junction. Palisades Post Office is nearby across the street. The crosswalk on Oak Tree Road shall be shown on the drawing. Due to the limited sight distance and various constraints, it is recommended that access to the existing dwelling be restricted to one-way entry and the proposed commonly shared exit be shown to be perpendicular to Oak Tree Road.
- A Rockland County Highway Department Work Permit will be required for the proposed development and must be obtained prior to start of any construction on site.

15. Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and no future correspondence is requested for this site.

16. The Rockland County Department of Health (RCDOH) reviewed the plans and found that application is to RCDOH for review of the Stormwater Management system for compliance with the County Mosquito Code.

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17. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, the site has been determined to be outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act would not be requested for any proposed construction at this site. The Rockland County Stream Control Act, Chapter 846, requires that all subdivision maps must be signed by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.

18. The Town of Orangetown Bureau of Fire Prevention reviewed the plans and offered the follow comments which are incorporated herein as conditions of approval:

- a. The entire length of the joined entrance way leading to the rear lot (lot #2, the newly created lot) must be a minimum of 20 feet wide and shall have no parking at all times.
- b. The driveway must be stabilized to support the weight of Fire Apparatus.

19. The New York State Department of Transportation reviewed the plans and have no further comments.

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

21. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plats prior to signing the final plans.

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

23. 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.

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24. 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.

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

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

- One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.
- The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

26. 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.

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- 27.** 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.
- 28.** The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
- 29.** 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).
- 30.** Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
- 31.** 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
- 32.** The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

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Overrides

The Board made the following motions to override Conditions #8, #9, & #13 of the March 22, 2013 letter from Rockland County Department of Planning, signed by Thomas Vanderbeek, Commissioner of Planning, for the following reasons:

#8) Map note #14 indicates that there is a private well for the existing house on Lot #4, however there are only two lots proposed. This map note must be corrected.

The Board held that the condition is not valid since the subdivision plan does not contain a private well.

A motion to override the condition was made and moved by William Young and seconded by Michael Mandel and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, absent.

#9) The location of the existing well must be shown on the Site Plan.

The Board held that the condition is not valid since the subdivision plan does not contain a private well.

A motion to override the condition was made and moved by William Young and seconded by Michael Mandel and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, absent.

#13. The location area for Lot #1 should be further reduced to account for the access easement that is being proposed to serve lot #2.

The Board held that the lot area for a new access easement cannot be reduced from the land area if there is an existing easement serving the site.

A motion to override the condition was made and moved by William Young and seconded by Michael Mandel and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, absent.

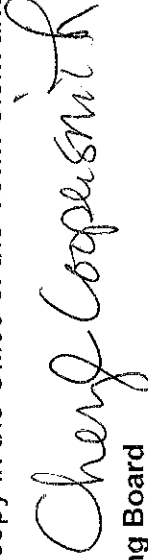
The foregoing Resolution was made and moved by Michael Mandel and seconded by Bruce Bond and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Michael Mandel, aye; William Young, aye; John Foody, absent; Robert Dell, aye and Jeffrey Golda, aye.

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: March 27, 2013

Town of Orangetown Planning Board

attachment



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

**PB #13-11: Walther Minor Subdivision; Preliminary Subdivision Plan
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This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law. The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

NAME OF ACTION: Walther Minor Subdivision

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

**DESCRIPTION OF ACTION: Walther Minor Subdivision- Preliminary
Subdivision Plan subject to Conditions/ Neg. Dec.**

LOCATION: The site is located at 694 Oak Tree Road, Palisades, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 78.17, Block 2, Lot 20 in the R-40 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

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PB #12-35: Organic Recycling Commercial Subdivision of Space – Preliminary Approval Subject to Conditions

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: Organic Recycling – Outside Commercial Subdivision of Space Plan: The application of Organic Recycling, applicant, and Joseph Appleman/ Binnel Associates, owner, (Donald Brenner, attorney for the owner), for Preliminary/ Preliminary/ Final Outside Commercial Subdivision of Space Plan Review, at a site known as “**Organic Recycling – Outside Commercial Subdivision of Space 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 17A Route 303, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.19, Block 1, Lot 3 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held, **Wednesday, July 18, 2012, and March 13 & 27, 2013**, at which time the Board made the following determinations:

July 18, 2012

Donald Brenner and Cassandra Lim appeared and testified for the applicant. The Board received the following communications:

1. Project Review Committee Report dated July 11, 2012.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 18, 2012.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 12, 2012.
4. Letters from Rockland County Planning Department, signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning, dated July 16, 2012.
5. Letters from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated July 9 & 10, 2012.
6. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 18 & 19, 2012.

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7. A letter from the Rockland County Sewer District No. 1, signed by Joseph La Fiandra, Engineer I, dated June 14, 2012.
8. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated June 21, 2012.
9. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, Rockland County Permit Engineer, dated June 12, 2012.
10. A letter from the New York State Department of Transportation, SEQRA/HWP Unit, signed by Ursus Idosu, MBA, PE., PTOE, dated July 11, 2012.
11. A letter from the Palisades Interstate Park Commission, Office of Parks Recreation and Historic Preservation, signed by Karl B. Roecher, Landscape Architect, dated July 10, 2012.
12. Letters from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, signed by Janet Swentusky, dated June 11, 2012.
13. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated June 6, 2012.
14. Plans prepared by Kurian L. Kalarickar, P.E., dated February 21, 2012.
15. A Short Environmental Assessment Form signed by Cassandra Lim, dated March 3, 2012.

No public Comments

The applicant requested a **CONTINUATION**.

March 13, 2013

Donald Brenner, Jay Greenwell and Cassandra Lim appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated March 6, 2013.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated March 13, 2013.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 8, 2013.
4. A letter from Rockland County Planning Department, signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning, dated February 20, 2013.
5. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 7, 2013.

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6. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated March 7, 2013.
7. Plans entitled Organic Recycling Outdoor Commercial Subdivision of Space, prepared by Jay Greenwell, PLS, dated November 30, 2012:
 - Sheet 1: Site Plan for Organic Recycling
 - Sheet 2: Site Plan for Organic Recycling
8. A copy of the Short Environmental Assessment Form signed by Cassandra Lim, dated March 3, 2012.

The applicant requested a **CONTINUATION**.

March 27, 2013

Donald Brenner, Jay Greenwell and Cassandra Lim appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated March 20, 2013.

The hearing was then opened to the Public. There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Bruce Bond and second by Jeffrey Golda and carried as follows:
Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; Robert Dell, aye; John Foody, absent; Michael Mandel, aye, and Jeffrey Golda, aye.

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

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

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant’s professional representatives, namely Jay Greenwell, PLS, and having heard from the following offices, officials and/or Departments: (Town of Orangetown) Planning Board, Project Review Committee, Office of Building, Zoning, Planning Administration, and Enforcement and Department of

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Project Review

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**PB #12-35: Organic Recycling Commercial Subdivision of Space –
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Environmental Management and Engineering, and having heard from the following involved and interested agencies: New York State Department of Environmental Conservation, Rockland County Department of Highways, Rockland County Drainage Agency, Rockland County Sewer No. 1, New York State Department of Transportation, Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Department of Planning, and having reviewed the proposed plan, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

On motion by Bruce Bond and seconded by Jeffrey Golda and carried as follows: Kevin Garvey, aye; Michael Mandel, aye; Bruce Bond, aye; Robert Dell, aye; John Foody, absent; William Young, aye; and Jeffrey Golda, 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 COMMERCIAL SUBDIVISION APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

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

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2. The following note shall be placed on the Subdivision 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. Item #12 of the Short Environmental Assessment Form needs to be answered “yes” and “revised Certificate of Occupancy issued” added to line 12.
4. The subdivision plan shall show the “Multi purpose parking layout” area as lease lines.
5. Clarify if the 4 parking lots, A, B, C, and D, are to be used as overnight storage and label the plans accordingly. In the event that the parking lots are to be used to overnight, the applicant shall make application to the Town of Orangetown Zoning Board for a variance for overnight parking.
6. The applicant shall define what is to be stored outside and where, since runoff from this site eventually enters the Sparkill Creek. The applicant shall demonstrate how grease/ oils/ gases, etc. from vehicles or equipment stored outside or inside shall be contained/ treated/ disposed of; to ensure that they do not enter the adjacent stream.
7. The hours of operation for the proposed storage areas shall be defined on the plans.
8. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - a. An updated review must be completed by the Palisades Interstate Park Commission, and any required permits obtained.
 - b. A review must be completed by the County of Rockland Drainage Agency and any required permits obtained.
 - c. An updated review shall be done by the New York State Department of Transportation, and all required permits obtained.
 - d. The Town shall be satisfied that all of the applicable provisions of the Route 303 Overlay Zone have been addressed.
 - e. A review must be completed by the County of Rockland Department of Health and any required permits obtained.
9. Rockland County Health Department found that there are no Health Department approvals needed for this application.
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.

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11. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the parcel located at 117A Route 303, Tappan, is within RCDA jurisdiction. However, the current proposal, under review is for the subdivision of outside commercial space for contractor parking (existing area). Construction activity is not proposed at this time; therefore, a permit from the RCDA will not be required. If any future decisions or determinations are made by the Town of Orangetown regarding this parcel should indicate that it is within the jurisdiction of the RCDA and that a permit from the RCDA is required prior to any future proposed construction and/or land disturbance at this site.

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

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

Overrides

The Board made a motion to override Conditions #4, #5 and #6 of the February 20, 2013 letter from Rockland County Department of Planning, signed by Thomas Vanderbeek, Commissioner of Planning, for the following reasons:

#4. A more detained landscaping plan shall be submitted for Rockland County Planning review. The plan shall provide specifics as to where each type of landscaping is proposed. Sufficient landscaping must be provided to help shield the use from the pathway.

The Board held that the applicant is not changing the landscaping plan. The plan will be supplemented with a 10 foot vegetative buffer to replace a 20 foot buffer.

A motion to override the condition was made and moved by Michael Mandel and seconded by Bruce Bond and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, absent.

#5. A lighting plan shall be provided that shows fields of illumination and signage. Lighting shall not shine beyond the property line or into the State right of way.

The Board held that the facility is an existing use and no new lighting will be installed.

A motion to override the condition was made and moved by Michael Mandel and seconded by Bruce Bond and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, absent.

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Overrides Continued.....

#6. An undisturbed, vegetated 20 foot buffer area must be maintained along the property line adjacent to the Palisades Interstate Parkway. The intent of this buffer is to not only protect the visual integrity of the Parkway, but to preserve the existing vegetation and root systems from damage due to adjacent construction/ on site activities. This area must be clearly delineated on the map, and on the deed so that future property owners are aware of this restriction, and all structures kept out of this buffer area.

The Board held that the Palisades Interstate Parkway shall provide an updated review at Final Review of the project before the Board.

A motion to override the condition was made and moved by Michael Mandel and seconded by Bruce Bond and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, absent.

The foregoing Resolution was made and moved by Jeffrey Golda and seconded by Michael Mandel and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; John Foody, absent; Robert Dell, aye; Michael Mandel, aye and Jeffrey Golda, 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: March 27, 2012
Town of Orangetown Planning Board



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TOWN OF ORANGETOWN

PB #12-35: Organic Recycling Commercial Subdivision of Space – Preliminary Approval Subject to Conditions

**Town of Orangetown Planning Board Decision
March 27, 2013
State Environmental Quality Review Regulations
NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law. The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

NAME OF ACTION: Organic Recycling – Outside Commercial Subdivision of Space Plan

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

DESCRIPTION OF ACTION: Organic Recycling Commercial Subdivision of Space –Preliminary Approval Subject to Conditions

LOCATION: The site is located at 17A Route 303, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.19, Block 1, Lot 3 in the LI zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

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PB #13-13: 155 Corporate Drive Site Plan: Amendment to Preliminary Site Plan Approval Subject to Conditions/ Reaffirmation of Neg. Dec.

Town of Orangetown Planning Board Decision

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TO: Douglas Bartels, P.E., Russo Development, 570 Commerce Boulevard, Carlstadt, New Jersey 07072

FROM: Orangetown Planning Board

RE: 155 Corporate Drive Site Plan Amendment: The application of 155 Corporate Drive, Inc., owner, for Amendment to the Final Site Plan, at a site known as "**155 Corporate Drive Site Plan Amendment**", 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 155 Corporate Drive, on the south side of Corporate Drive, 850 feet west of Olympic Drive, Orangeburg, New York. Tax Map: Section 73.15, Block 1, Lot 18 & Section 73.19, Block 1, Lot 1; LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held Wednesday, March 27, 2013, the Board made the following determinations:

Douglas Bartels, Antomio DelVecchio and Edward Russo appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated March 20, 2013.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated March 27, 2013.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 21, 2013.
4. A letter from Rockland County Department of Planning, signed by Thomas Vanderbeek, Commissioner of Planning, dated March 26, 2013.
5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated March 12, 2013.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 6, 2013.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated March 11, 2013.
8. An Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief, dated March 5, 2013.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, dated March 3, 2010.
10. A Full Environmental Assessment Form signed by Edward Russo, Manager, dated February 20, 2013.

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11. A letter from Russo Development signed by Douglas G. Bartels, P.E., Vice President – Development, dated February 20, 2013, with attachments.
12. A letter from Russo Development signed by Douglas G. Bartels, P.E., Vice President – Development, dated March 26, 2013.
13. A copy of PB #12-52, Final Site Plan Approval Subject to Conditions, 155 Corporate Drive Site Plan, dated November 9, 2011.
14. A copy of a report entitled “Exterior Sound Evaluation of Proposed Data Center Operations”, prepared by Lewis S. Goodfriend & Associates, dated March 22, 2013.
15. Stormwater Pollution Prevention Plan for 155 Corporate Drive, prepared by Russo Development, LLC, dated October 30, 2009, last revised February 15, 2013.
16. Plans prepared, signed and sealed by Douglas G. Bartels, P.E. and Jack Shoemaker, PLS, dated October 30, 2009, revised February 15, 2013, unless noted:
 - C1: Title Sheet
 - C2: Existing Conditions Plan
 - C3: Site Plan
 - C3.1: Construction Logistics Plan, dated February 15, 2013
 - C4: Overall Grading Plan, dated May 21, 2010
 - C4.1: Grading & Drainage Plan
 - C4.2: Stormwater Management Plan and Details, dated February 17, 2010
 - C5: Utility Plan
 - C6: Profiles
 - C7: Profiles
 - C8: Construction Details
 - C9: Construction Details
 - C10: Construction Details
 - C11: Landscape Plan
 - C12: Lighting Plan
 - C13: Landscape & Lighting Details
 - C14: Soil Erosion & Sediment Control Plan
 - C15: Soil Erosion & Sediment Control Plan
17. Architectural Plans prepared, signed and sealed by Michael Buldo, R.A., dated February 15, 2013:
 - A1: First Floor Plan
 - A2: Roof Plan
 - A3: Building Elevations
 - A4: Wall Screen Elevations

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18. Submitted at the meeting, a package of colored site plans and elevations of the proposed interior and exterior of the building, dated March 27, 2013:

A1: Aerial Map Corporate & Olympic Drives

A2: Property Site Plan

A3: Approved Site Plan

A4: Elevations – North & East

A5: Elevations – South & West

A6: First Floor Plan

A7: Typical Data Center Photos

A8: Typical Data Center Photos

A9: Typical Data Center Photos

A10: Example Russo Building Photo

A11: Example Russo Building Photo

Public Comments:

Leslie Whatley, 6 Buckingham Place, Old Tappan, New Jersey; held that the applicant has taken the concerns of the area property owners into consideration and have provided accommodations. Ms. Whatley requested that sound testing be performed after the site is completed and during the normal working day, business hours. She requested information regarding the sequencing of installation, testing and granting of the building permit for the chillers and generators.

Donald Brenner, 4 Independence Avenue, Tappan, New York; representing himself; held that the applicant should be made to test the sound levels of the generators to be used all of the time, not just in an event of an emergency situation. Just as the other applicants heard on the Planning Board's agenda are being asked to test. Emergency situations would allow a deviation from the regulations set forth in the Town Code.

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

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

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

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REAFFIRMATION OF SEQRA

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 Douglas G. Bartels, P.E. and Jack Shoemaker, PLS and the Town of Orangetown's engineering consultant, 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: Rockland County Department of Highways, Rockland County Sewer District No. 1, Town of Orangetown Zoning Board of Appeals, and having reviewed the proposed Site Plans by prepared by Douglas G. Bartels, P.E. and Jack Shoemaker, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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On motion by William Young and seconded by Michael Mandel and carried as follows: Bruce Bond, aye; Michael Mandel, aye; Robert Dell, aye; John Foody, absent; William Young, aye; Jeffrey Golda, aye and Kevin Garvey, aye the Board Reaffirmed the Negative Declaration pursuant to SEQRA.

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

1. The following note shall be placed on the site plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
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 conditions of previous Board Decisions: PB #11-52, Final Site Plan Approval Subject to Conditions, dated November 9, 2011, ACABOR #11-34, Approved Subject to Conditions, dated September 8, 2011, ZBA #10-92, Variances, dated July 20, 2011, PB #10-05, Preliminary Site Plan Approval Subject to Conditions, dated July 9, 2010.
4. While New Jersey and Rockland County regulations were submitted to the Planning Board, the final sound report must be submitted to the Office of Building, Zoning, Planning Administration and Enforcement, prior to the issuance of a Certificate of Occupancy. The sound report must meet the requirements set forth by the Town Code of the Town of Orangetown, Section 4.18, Tables 1 and 2. At this time, the applicant shall apply to the Town of Orangetown Zoning Board of Appeals for a Performance Standards review of the chillers/generators. If the applicant is found to be not in compliance with the Town of Orangetown standards, they will be placed in violation and be issued a summons.
5. The Full Environmental Assessment Form appears to be in order.
6. The Site Plan has been amended for a Data Center user. The Amendments include a reduction of loading docks, parking revisions and proposed chillers.
7. A Noise Attenuation Study shall be provided.
8. A Performance Standards review shall be performed by the Town of Orangetown Zoning Board of Appeals.
9. The maximum height of the sound wall shall be provided on the Site Plan. A minimum height was provided.

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10. The following variances need to be sought from the Town of Orangetown Zoning Board of Appeals:

<u>Variance</u>	<u>Required</u>	<u>Granted/Approved</u>	<u>Proposed</u>
● Front Yard Setback	100 feet	50.5 feet	48.5 feet
● Maximum Building Height	12 feet allowed at Front	36 feet	33.4 feet
● Maximum Building Height	37.25 feet allowed on East Side yard	38 feet	34.7 feet
● Maximum Building Height	61.6 feet allowed on West Side yard	38.5 feet	37.6 feet
● Maximum Building Height	37.88 feet allowed on Rear Side yard	37.5 feet	35.9 feet

- Note: The front of the building requires a height variance.
- A total of 7 Loading Berths are required and 3 loading berths are provided.
- The Loading Berths are required to be within a completely enclosed building and two of the three berths are proposed to be external.

11. The revised Storm Water Pollution Prevention Plan is under review by DEME.

12. The revised Soil Erosion and Sediment Control Plans and Details are under review by DEME.

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

- The conditions of the March 6, 2013 letter from the Rockland County Department of Health must be met. In addition, all required permits must be obtained from the Health Department for the three proposed 50,000 gallon underground storage tanks.
- A review shall be completed by the U.S. Army Corps of Engineers and any required permits obtained.
- Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineers, shall be issued to the municipality for this project, certifying that there will be sufficient water supply during peak demand periods and in a drought situation.

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Continuation of Condition #13.....

- If any public water supply improvements are required, engineering plans and specification for these improvements shall be reviewed by the Rockland County Department of Health, prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a New York State licensed professional engineer and shall be accompanied by a completed New York State Department of Health Form 348, which must be signed by the public water supplier.
- Public sewer mains requiring extensions within a right of way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.
The fire department connections shall be designated on the Site Plan and kept clear for easy access by the emergency response vehicles.
- Several of the proposed plantings on the Landscape Plan do not indicate what type of plant is being proposed, such as the symbols along the southern and western sides of the building. In addition, 11 FA are proposed along Corporate Drive, but another species is also proposed along this roadway, with no indication as to the type of plant. All proposed landscaping must be clearly labeled on the Landscape Plan.
- An illustration shall be provided that demonstrates that fire truck movements are feasible throughout the site, including the opening going into the chiller plant and storage tank area.
- Since the site is expected to generate significant truck traffic; it is recommended that signs be placed in loading areas to remind truck operators of the idling time limits of state law (5 minutes) and county law (3 minutes) so as to minimize air pollution impacts on neighboring residential to the south.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- Prior to the start of construction or grading, a soil and erosion control plan shall be developed in place for the entire site that meets the New York State Guidelines for Urban Erosion and Sediment Control.
- The project description narrative (Rider #1) indicates that 97 cars are proposed on the site, however 96 are shown. This discrepancy shall be corrected.
- The site plan shall clearly label the parking area on the north side of Corporate Drive as "Future Parking, if needed."
- Page 8 of 21 of the Full Environmental Assessment Form shall be amended to include the Rockland County Department of Planning as a regional agency in which an approval is required.

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14. The Rockland County Highway Department found that the proposed action will have no foreseeable adverse impact upon county roads in the area.
15. The Rockland County Department of Health reviewed the Site Plan and request that after receiving Final Planning Board Approval, the applicant shall forward three (3) sets of plans to the Rockland County Department of Health to be stamped and signed as approved.
16. Rockland County Sewer District does not object to the plan as shown. This project does not affect any sanitary sewers within the District and no future correspondence is requested for this site.
17. The Town of Orangetown Bureau of Fire Prevention held that the proposed amendment to the approved Site Plan has changed drastically and the following comments shall be incorporated herein as conditions of approval:
- Uninterrupted Power Supply (UPS) Room shall be clearly identified: size, type of UPS being used; a room built per Section F-608 of the New York State Fire Code may be required.
 - Generator area – provide details of exhaust system and area where exhaust duct work will penetrate roof and/or walls.
 - Data Racks: provide height, width, dimensions of aisles.
 - Fire alarm systems must be addressable, with two dedicated phone lines, or an approved method of communication and direct connection to 44 Control System must be NFPA 72 compliant. Fire alarm plan must be submitted and approved prior to installation.
 - An NFPA 13 compliant fire sprinkler system must be installed and designed to protect the specific hazards in this occupancy. (Generators, batteries, etc...)
 - All egress must comply with Chapter 10 of the New York State Fire Code.
 - Portable fire extinguishers must be installed as per NFPA 10 Guidelines.
 - Underground diesel fuel tank storage must be in compliance with Section 3403 of the New York State Fire Code.

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Continuation of Condition #17...

- The East side of the site (main entrance area) shows a revised parking arrangement then previously presented. The applicant must provide the following on the Site Plan:
 - 1) A fire access road in access of 150 feet must provide a turn-around for the fire apparatus, or
 - 2) In an area highlighted on the Site Plan, an analysis of the turning radiuses so that a piece of fire apparatus with a 44 foot six inch wheelbase and overall length of 47 feet can maneuver into the parking area and out without turning around.
- West side parking or loading dock area appears to not allow any access for fire apparatus past the chiller area. Please clarify.
- All entrances, fire apparatus access roads, gates, etc... must comply with Appendix FD of the New York State Fire Code.
- Key Boxes for Fire Department access must be installed in locations to be determined.
- A Certificate of Compliance Fire Safety must be applied for with the appropriate fee and Fire Inspections and acceptance tests of various systems will be conducted as needed during construction.
- All fire lanes and fire lane signage must be in compliance with the New York State Fire Code and approved by the Town of Orangetown Bureau of Fire Prevention.
- 18. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
 - Rockland County Sewer District #1
 - Rockland County Department of Highways
 - Town of Orangetown Zoning Board of Appeals
- 19. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans prior to signing the final plans.
- 20. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.

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21. 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.

22. **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.

23. 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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24. 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.
25. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
26. 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).
27. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
28. 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
29. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

Override

The Board made a motion to override Conditions #1 and #10 of the March 26, 2013 letter from Rockland County Department of Planning, signed by Thomas Vanderbeek, Commissioner of Planning, for the following reason:

"1. The Borough of Old Tappan, New Jersey is the reason this proposal was referred to this department for review. The municipal boundary is along the southern property line of the subject property. New York State General Municipal

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Overrides continued.....

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, so that, as a result, development occurs in a manner that is supportive of the goals and objections of the general area. An updated review must be requested from the Borough of Old Tappan, and all of the issues contained in the May 3, 2010 letter from the Borough's consulting engineer, Thomas Skrable, P.E., must be considered and satisfactorily addressed".

The Board held that the Borough of Old Tappan had been mailed a referral for this application and the Borough had not provided any comments for the meeting.

A motion to override the condition was made and moved by Bruce Bond and seconded by Michael Mandel and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, absent.

"10. Areas dedicated for snow piles must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the landscaping, located in the islands from being broken from the weight of the snow and from causing salt intrusion to the plants".

The Board held that the landscaping plan does not need to provide an area where the snow is to be dumped.

A motion to override the condition was made and moved by Bruce Bond and seconded by Michael Mandel and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, absent.

The foregoing Resolution was made and moved by William Young and seconded by Bruce Bond and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Michael Mandel, aye; William Young, aye; John Foody, absent; Robert Dell, aye and Jeffrey Golda, 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: March 27, 2013
Town of Orangetown Planning Board



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2013 APR 25 AM 10:26

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

PB #13-13: 155 Corporate Drive Site Plan: Amendment to Preliminary Site Plan Approval Subject to Conditions/ Reaffirmation of Neg. Dec.

**Town of Orangetown Planning Board Decision
March 27, 2013**

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: 155 Corporate Drive Site Plan - Amendment to Preliminary Site Plan Approval

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

DESCRIPTION OF ACTION: 155 Corporate Drive Site Plan: Amendment to Preliminary Site Plan Approval Subject to Conditions/ Reaffirmation of Neg. Dec.

LOCATION: The site is located at 155 Corporate Drive, on the south side of Corporate Drive, 850 feet west of Olympic Drive, Orangeburg, New York. Tax Map: 73.15/1/18 & 73.19/1/1; LIO zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

TOWN CLERKS OFFICE

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TOWN OF ORANGETOWN