

**Meeting of April 22, 2015
Town of Orangetown Planning Board**

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

MEMBERS ABSENT: None

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

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

Continued Item from March 11, 2015 Meeting:

Anellotech Inc. Site Plan		PB #15-13
Addition to Building 123	Final Site Plan Approval	
Final Site Plan Review	Subject to Conditions	
68.08/1/1; LI zoning district	Reaffirmation of SEQRA	

New Item:

Holt Construction Corporation Site Plan		PB #15-20
Prepreliminary/ Preliminary Site Plan	Preliminary Site Plan Approval	
and SEQRA Review	Subject to Conditions/ Neg. Dec.	
68.16/6/6 & 68.16/4/34; CS zoning district		

Continued Item from February 25, 2015 Meeting:

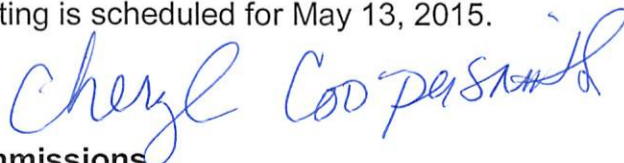
Merritt Subdivision Plan		PB #15-10
Prepreliminary/ Preliminary	Preliminary Approval	
Subdivision Plan and SEQRA	Subject to Conditions/ Neg. Dec.	
64.18/1/78.1 and		
78.3; R-15 zoning district		

The decisions of the April 8, 2015 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel and seconded by Bruce Bond and carried as follows: William Young, aye; Kevin Garvey, aye, Thomas Warren, aye, Robert Dell, aye; Bruce Bond, aye; Stephen Sweeney, aye and Michael Mandel, aye.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Bruce Bond and seconded by William Young and agreed to by all in attendance. The meeting was adjourned at 12:00 p.m. The next Planning Board meeting is scheduled for May 13, 2015.

DATED: April 22, 2015
Cheryl Coopersmith
Chief Clerk Boards and Commissions



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TO: Marc Schneidkraut, 401 Middletown Road, Pearl River,
New York 10965

FROM: Orangetown Planning Board

RE: Anellotech, Inc. Site Plan: The application of Anellotech, Inc., applicant, for Pfizer, Inc. owner, (Donald Brenner, attorney for the applicant) for Final Site Plan Review, at a site to be known as “**Anellotech, Inc. Site Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 401 North Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.08, Block 1, Lot 1 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, March 11 and April 22, 2015**, the Board made the following determinations:

March 11, 2015

David Sudolsky, Charles Sorensen, Rachel Barese, Marc Schneidkraut, Libby Bowen and Donald Brenner appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated March 4, 2015.
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 11, 2015.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., March 5, 2015.
4. A letter from Brooker Engineering, signed by Kenneth DeGenarro, P.E., dated March 11, 2015.
5. A letter from Rockland County Department of Planning; signed by Douglas Schuetz, Acting Commissioner of Planning dated March 4, 2015.
6. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 6, 2015.
7. An email from Jennifer Clark, New York State Department of Transportation, dated September 15, 2014.
8. A letter from the Town of Clarkstown Planning Board, signed by Shirley Thormann, Chairwoman, dated February 27, 2015.
9. A copy of a letter with attachments to James Lansing, Jr. P.E., Regional Materials Management Engineer, New York State Department of Environmental Conservation, from Zarin & Steinmetz signed by Daniel M. Richmond, dated February 20, 2015.

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10. Copies of the following Board Decisions: ZBA#14-81, Performance Standards Approved with Conditions, dated January 21, 2015; ACABOR #14-41, Approved Subject to Conditions, dated November 20, 2014 and PB #14-37, Preliminary Site Plan Approval Subject to Conditions, dated September 10, 2014.
11. Site Plan prepared by Civil Tec Engineering & Surveying PC, dated June 17, 2014, last revision date of January 29, 2015
12. Architectural Plan prepared by Matthew Oscar, R.A., dated June 19, 2014, last revision date of January 29, 2015.
13. A letter from Anellotech, Inc. signed by Marc Schneidkraut, P.E., dated January 30, 2015, with the following attachments:
 - Letter from the Division of Environmental Permits, New York State Department of Environmental Conservation to John Giardiello, P.E., Director, Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Joseph R. Murray, Environmental Analyst, dated January 15, 2015
 - Letter from Trinity Consultants to John Giardiello, P.E., Director, Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Elizabeth Gorman, Senior Consultant dated January 21, 2015
 - Report from Triumvirate Environmental, dated January 21, 2015
 - Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, to the Town of Orangetown Zoning Board of Appeals, dated December 3, 2014 and December 1, 2014, Judith Hunderfund, P.E., Director, Environmental Public Health, attachment of a letter from Environmental Management, LTD, dated November 24, 2014
 - A Letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, to the Town of Orangetown Planning Board, dated July 23, 2014
 - Letters from the Town of Orangetown Department of Environmental Management and Engineering signed by Joseph Moran, P.E., Commissioner, dated October 8, 2014
 - A letter from David Sudolsky, President and CEO, Anellotech, Inc. to Andrew Stewart, Supervisor, Town of Orangetown and Alexander Gromack, Supervisor, Town of Clarkstown, dated January 8, 2015
14. A letter prepared by Anellotech, signed by March Schneidkraut, P.E., dated February 27, 2015.
15. Copies of emails from the New York State Department of Environmental Conservation, to Denise Schorn and Heather Hurley, dated February 28, 2015.

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16. Copies of correspondence/emails to the Planning Board Office:

- Thomas Sullivan, Pearl River, February 13, 2015
 - Amy Wertheim, Pearl River, February 20, 2015
 - Thomas Sullivan, March 1, 2015
 - Darren Finch, Pearl River, March 2, 2015
 - Veronica Corbiere, Pearl River, March 2, 2015
 - Debbie Donohue, March 2, 2015
 - Mary Geday, Pearl River, March 2, 2015
 - Dolores Vento, Nanuet, March 2, 2015
 - Kenneth Cully, Nanuet, March 2, 2015
 - Nancy Caruso-Prestipono, West Nyack, March 2, 2015
 - Denise Anselmi, Pearl River, March 2, 2015
 - Allison McKenna, dated March 2, 2015
 - Kathleen Kelley, March 2, 2015
 - Jean Davan, Pearl River, March 2, 2015
 - Joe Schorn, Pearl River, March 3, 2015
 - Wendy O'Reilly, Pearl River, March 3, 2015
 - Heather Hurley, March 3, 2015
 - Denise Schorn, Pearl River, March 3, 2015
 - Sarah Nittoli, Pearl River, March 3, 2015
 - K. Syran, March 3, 2015
 - Karen Toye-Mulvihill, Pearl River, March 3, 2015
 - Thomas Sullivan March 6, 2015
 - Heather Hurley, March 6, 2015
 - John Pousette-Dart, March 6, 2015
 - Heather Hurley, March 8, 2015
 - MZA37, March 8, 2015
 - Margaret Smith, March 8, 2015
 - Thomas Sullivan March 8, 2015
 - John Torney, March 8, 2015
 - Debra Fried, March 9, 2015
 - Tracy Nelson, Pearl River, March 9, 2015
 - Denise Davey, March 9, 2015
 - Jean Gunn, March 9, 2015
 - Corrine McElderry, March 9, 2015
 - Christopher Day, Palisades, March 10, 2015
 - Heather Hurley, (2 emails) March 10, 2015
 - Scott Paness, March 10, 2015
 - Jeanie Paquale, March 10, 2015
 - Denise Schorn, undated
17. Email from Andy Stewart, Town of Orangetown Supervisor, dated March 5, 2015.
18. Copy of Petition in Opposition; hand signed and typed, submitted on March 2 & 10, 2015.

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19. Letter signed by Town of Orangetown Town Board Members Tom Diviny, Denis Troy, Paul Valentine and Tom Morr, dated March 10, 2015.
20. Email from Marc Schneidkraut dated March 11, 2015.
21. An information flyer submitted at the meeting by Kathy Kelly from the World Health Organization, dated 2010.

The hearing was then opened to the Public.

Public Comment:

James Reily, Pearl River, opposed the project, legally challenging the Negative Declaration. He believed that the Board should rescind the Negative Declaration since it was premature and they should have requested the applicant to submit a Full Environmental Assessment Form.

Rodger Scheiber, Blue Hill Plaza, Rockland Business Association, supported the project, and held that it was critical to the development of the Pfizer site, Pearl River and Nanuet School Districts, jobs and future economic development of Rockland County.

Les Neuman, 9 Woodland Drive, New City, representing Clean Incubation New York, supported clean technology research as part of "Start-Up New York".

Jose Simoes, Town Planner, Town of Clarkstown, raised concerns that the applicant's projection of chemicals and resulting air quality needs to be monitored. He restated the letter submitted to the Board on behalf of the Town of Clarkstown Planning Board.

Andy Stewart, Town of Orangetown Supervisor, raised concerns regarding the Negative Declaration, requesting the Board to rescind the Negative Declaration determination. He requested that the Board set up some type of pollution monitoring process.

Amy Wertheim, 111 South Main Street, Pearl River, requested that the Negative Declaration be rescinded. Ms Wertheim read a letter from Christopher Day.

Bruce Cowen, 119 Center Street, Pearl River, raised concerns regarding the highly toxic materials that would be produced from the site. He was concerned about emissions into the air and the safety of the transport of chemical samples traveling on the local roadway.

Nancy Caruso Prestipino, Nanuet, wanted the Board to consider the cumulative effects of the chemicals on the community's health. She also noted that it was deceptive to call a company putting chemicals into the air a "green" company. Ms Caruso wanted to have a definition of what "safe" is; safe for an adult could be different for a child. Finally, she stated that final approval of the project would draw similar companies to the Pfizer site.

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Helen Shaw, Pearl River, noted that in her field of financial investment, she would be very concerned regarding the investment strategy of this business. She discussed the history of site selection and the risks to the new communities. She thought that to an investor, it seems like a lousy investment. Ms Shaw questioned if R & D was just a "label".

Heather Hurley, Pearl River, noted that there was a united voice opposing the expansion, and that the Public wants Anellotech to answer all of the questions asked of them. She held that the Board needs all questions answered before making a determination. Ms Hurley questioned the pounds of hazardous waste to be generated at the site. In seeking information about organic materials to be used by the applicant, she discussed her correspondence with Anellotech and other companies.

Kathrine Kelly, Pearl River, raised health concerns regarding the use of the site by the applicant. She wanted the Board members to have all available information prior to making their final decision.

Elizabeth Dudley, Orangeburg, requested the applicant to provide all information to the Board prior to the Board Decision. She believed that the project did not belong in the middle of a residential neighborhood with large trucks traveling on local streets.

Mark Donnelly, Laurel Road, Pearl River, noted that the same issues were raised with Lederle Laboratories 25 years ago.

Denise Schorn, Pearl River, requested that the Negative Declaration be rescinded. She wanted several questions answered: Is the company safe, how big is the vent pipe, where is the location of the bio mass on site, is the bio mass unadulterated, where is the BTX stored, what is wood waste.

Larry Aufiero, Nanuet, held that if the business meets all requirements, it should be approved, but should be monitored. Other businesses in Rockland have far greater risks; however there is no public outcry. Companies should be monitored, but not turned away. Rockland needs the tax base.

Joe Shorn, Pearl River, quoted from the Town of Orangetown Town Zoning Code, Section 4.42 and 4.41, requesting clarification.

Ken Cully, Nanuet, raised concerns regarding the size of the vent pipe and the need to return to ACABOR for review. Mr. Cully also requested information regarding the companies that the applicant plans on purchasing its raw materials.

Tom Sullivan, Pearl River, raised concerns regarding the safety of the project. The Board should take a step back and review their actions.

Wendy O'Reilly, Pearl River, raised concerns regarding the impact to the health of the community. There is a potential for disaster in the Town with hazardous materials trucked along Town roads. How would a disaster be handled and who would pay for Hazmat training. The Board needs to review this information.

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Eileen Larkin, Palisades, questioned the Board regarding the process of how the wood becomes "wood flour". Mrs. Larkin questioned if the wood flour comes from China.

Laura Woodward, East Carroll Street, Pearl River, discussed the history of the Lederle Laboratory site, how the residents fought against the use of the site and past safety issues. Ms Woodward wanted to know how the applicant would be monitored and if there was a disaster plan in place.

John Antoneli, Nanuet, raised concerns regarding the safety of the chemicals produced on the site. He noted that Christy Todd Whitman told people that the 9-11 Ground Zero was safe, and that was a lie. Mr. Antoneli hoped that he is not being lied to again.

Fran Reinstein, Tappan, discussed that people should be civil with one another when discussing the issues.

Pat Maroney, Rockland County Legislator and resident of Pearl River, requested that the Board continue the item until the County Legislator had a chance to discuss the item at its March 31st meeting.

Pat Nealon, Blauvelt, Pearl River, raised concerns regarding the decrease in property values due to the operation of the new business at the Pfizer site.

Mary Geday, Railroad Avenue, Pearl River, stated that the site was in close proximity to two elementary schools and that the chemicals would greatly impact the children.

Brian Condon, Nanuet, Attorney for Stop Anellotech, stated that there are currently two pending law suits against this project. The applicant should complete the Full Environmental Assessment Form.

The applicant requested a CONTINUATION.

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Marc Schneidkraut, Melanie Golden, Charles Sorensen, Donald Brenner, and David Sudolsky and appeared and testified.

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The Board received the following communications:

1. A Project Review Committee Report dated April 15, 2015.
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 April 22, 2015.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated April 16, 2015.
4. A letter from the Rockland county Drainage Agency, signed by Shajan Thottakara, P.E., CFM, dated March 20, 2015.
5. A letter from the Town of Clarkstown, Department of Planning, signed by Jose Simoes, Principal Planner, dated March 17, 2015.
6. Letters to the Planning Board from Charles Sorensen, PhD, P.E., Anellotech, Entitled Anellotech Site Plan & Bahary Letter, and Anellotech Site Plan, both dated April 21, 2015.
7. The Full Environmental Assessment Form Part 1 – Project and Setting, signed by David Sudolsky, dated April 2, 2015.
8. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated April 21, 2015, with attachments of Proposed Parts 2 and 3 of the Full EAF for Anellotech.
9. Summary of Anellotech Discussion Rockland County Legislature Planning & Public Works Committee Meeting March 31, 2015, submitted by the Rockland County Legislature.
10. A copy of a letter from Robert Magrino, Deputy Town Attorney, Town of Orangetown to Brian Condon dated April 13, 2015.
11. A copy of a letter from Brian Condon, Condon & Associates, to Robert Magrino, Deputy Town Attorney, Town of Orangetown, dated April 2, 2015.
12. A copy of a letter from Robert Magrino, Deputy Town Attorney, Town of Orangetown to Brian Condon dated April 22, 2015.
13. A copy of a letter from Brian Condon, Condon & Associates, to Robert Magrino, Deputy Town Attorney, Town of Orangetown, dated April 15, 2015.
14. A copy of a letter to Dan Richmond, Esq., Zarin & Steinmetz, from the New York State Department of Environmental Conservation (NYS DEC), signed by Zackary Knaub, Regional Attorney, dated April 16, 2015.
15. A letter from Zarin & Steinmetz, signed by Daniel Richmond, dated April 22, 2015.

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16. A report entitled In the Matter of the application of Anellotech, Inc. April 22, 2015 Planning Board Meeting, submitted by William S. Bahary, Ph.D., submitted April 15, 2015.
17. An Argument in Opposition to the Proposed Anellotech Project Respectfully Submitted to the Planning Board For its Review and Consideration Submitted by James K. Riley, Town of Orangetown Earth Day April 22, 2015, submitted April 15, 2015.
18. A copy of the Anellotech Regional Council New York State Consolidated Funding Application, Application Number 42716, file created June 25, 2014, submitted April 17, 2015.
19. A letter from the Office of the County Executive, Edwin Day, County Executive, dated April 1, 2015.
20. Submitted at the meeting by Scott Paness and Justin Devendorf, District Representative, a letter from David Carlucci, Senator, 38th District Senate, State of New York, dated April 22, 2015.
21. Copies of correspondence/emails to the Planning Board Office:
 - Heather Hurley, March 23, 2015 (4 emails)
 - Heather Hurley, March 24, 2015
 - Amy Wertheim, Pearl River, March 24, 2015
 - Heather Hurley, March 27, 2015
 - Heather Hurley, March 30, 2015
 - Amy Wertheim, Pearl River, April 2, 2015
 - Heather Hurley, April 2, 2015
 - Debbie Donohue, April 3, 2015
 - Amy Wertheim, Pearl River, April 3, 2015
 - Veronica Corbiere, Pearl River, April 3, 2015
 - Kathryn Syran, Pearl River, April 4, 2015
 - Joanne McElligott, Pearl River, April 6, 2015
 - Heather Hurley, April 6, 2015
 - Kate McFarland, April 6, 2015
 - Bethany Cumberworth Savino, April 6, 2015
 - Amy Wertheim, Pearl River, April 7, 2015
 - Heather Hurley, April 8, 2015
 - Cindy Davin, Pearl River, April 8, 2015
 - Heather Hurley, April 9, 2015
 - Denise Finnegan-Schorn, April 9, 2015
 - Heather Hurley, April 10, 2015
 - Denise Finnegan-Schorn, April 12, 2015
 - Scott Paness, April 14, 2015
 - Heather Hurley, April 15, 2015 (3 emails)
 - Cindy Davin, Pearl River, April 15, 2015
 - Teresa Paness, Nanuet, April 15, 2015

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Denise Finnegan-Schorn, April 16, 2015
Laura Woodward, April 20, 2015
Heather Devantier, April 21, 2015
Heather Hurley, April 22, 2015
Scott Paness, April 21, 2015

Public Comment:

David Medenhall, Parkside Court, Pomona, a Chemist, noted that BTX and benzene were dangerous chemicals, however concentration put out by this company is considered under the “Humbug” factor; the actual physical effects is equal to the effects of worrying about it.

Brian Condon, Attorney for Stop Anellotech, discussed the zoning of the site and disagreement regarding the uses in the zone. He discussed the ZBA process involving the Chairman, the consultants and the New York State Department of Environmental Conservation; Letter or Report. Mr. Condon noted that the Town of Orangetown Zoning Code was drafted in the 1950's and 1960's and did not anticipate the type of uses of today.

William Bahary, North Middletown Road, Pearl River, Chemist, discussed that benzene and BTX were not “green”, but toxic materials. He also noted that the physical appearance of the building impacts the neighborhood. Mr. Bahary discussed the report that he submitted entitled In the Matter of the application of Anellotech, Inc. April 22, 2015.

Emil Bahary, North Middletown Road, Pearl River, stated that the project is bad for our health and property values. Converters are not safe and strong orders will decrease the property values in the area.

James Riley, Franklin Avenue, Pearl River, raised concerns regarding benzene, since it causes leukemia and is toxic. Mr. Riley believed that no research use should be allowed in this zone, that the project is against the character of the community and requested that the project be referred back to the Town Board.

Kathy Kelly, Van Buren Street, Pearl River, expressed concerns regarding what is coming out of the stack on site and monitoring process. She discussed 9-11 exposure to benzene and all of the resulting cancers. Ms Kelly noted that benzene is heavier than air and would fall to the ground and that the children playing on the grass would come in contact with chemicals. She question where the closest monitoring station is in Rockland County, answering herself with “Pomona.”

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Amy Wertheim, 111 South Main Street, Pearl River, noted that the day was Earth Day. She opposed the project and raised concerns with the applicant's plan to build the project. Ms Wertheim requested each Board Member to give their reason of understanding of what Anellotech's end product will be.

Heather Hurley, Hobart Street, Pearl River, requested that all questions be answered by Anellotech not consultants, before the Board makes a decision. The Board should review the New York State Department of Environmental Conservation Permit before a decision is rendered. This document was recently submitted to the State for review.

Denise Schorn, Pearl River, discussed the New York State Department of Environmental Conservation Permit Application. She noted that Anellotech has changed their story to fit its audience. Ms Schorn requested the Board to wait to make its decision until the public gets to review the Permit Application.

Joe Schorn, Pearl River, discussed the Town of Orangetown Town Code 4.42 and 4.41, offering his interpretation of the code. Mr. Schorn stated that the applicant keeps changing their story regarding what products they are using on site. Also the new business would be creating 13 new jobs and only paying \$58,000.00 in taxes to Orangetown.

Andy Stewart, Town of Orangetown Supervisor, requested that the Negative Declaration be rescinded since a lot of environmental information has come out at a late date and there is more information coming out. He requested that the project be continued. Mr. Stewart also requested more information about the monitoring system to be set up. He noted that the Board should address the concerns and anxieties of the Community.

Joanne McElligott, Quake Lane, Pearl River, read a letter to the Journal News Newspaper regarding the location of the project at the Pfizer site. The article discussed the hazards of exposure to benzene.

Joe Simoes, Town Planner, Town of Clarkstown, stated that he was glad to hear that the applicant agreed to monitoring and discussed the April 2, 2015 letter from Brian Condon to Robert Magrino, Deputy Town Attorney, Town of Orangetown. Mr. Simoes requested that the Negative Declaration be rescinded.

Alex Gromack, Town of Clarkstown Supervisor, raised concerns regarding the environmental review process. He stated that the use is incompatible with adjacent neighboring uses and threatens the health of the area residents. Mr. Gromack requested that the applicant provide additional information regarding the chemical processes that they will be using at the site. He requested that the Board begin a new SEQRA process.

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Helen Shaw, Central Avenue, Pearl River, discussed Anellotech's payment of taxes to the Town of Orangetown verses the impact of the chemicals to the environment.

Peggy Powers, South Middletown Road, Pearl River, opposed the project. Ms Powers noted that she has been to Town Board meetings for 33 years and continues to be disappointed. She requested that the Town Boards wake up and that the People of Orangetown have spoken; the applicant does not belong in Orangetown.

Ken Cully, Nanuet Avenue, Nanuet, noted that BTX is found on the shelves in our stores, but not in our neighborhoods under pressure and in the air. Mr. Cully raised concerns regarding the safety of a project that requires continuous monitoring.

Wendy O'Reilly, Turner Road, Pearl River, opposed the project, stating that she wanted to drink clean water and breathe clean air. She has decided to move if the project is approved and that other people will move away from Pearl River if the Board does not support them.

Frank O'Reilly, Turner Road, Pearl River, opposed the Anellotech project.

Finn Painter, opposed the Anellotech project.

Fran Reinstein, Tappan, noted that it was Earth Day. She held that there is a need to be best neighbors, outcome aside, because who wants to come to Orangetown or Rockland County because of threats on the Internet and media. We should be more collaborative with one another. Ms Reinstein stated that it is not about Pearl River, it's about the loss of benefits to us all.

Scott Paness, Grandview Avenue, Nanuet, submitted a letter from Senator Carlucci. He discussed the poisonous impact of benzene on humans.

Tricia Reilly, Apple Court, Nanuet, a nurse working in pediatric cancer, discussed benzene, causes of cancer and effects of stem cell formation.

Mark Donnelly, Laurel Road, Pearl River, noted that 30 years ago, Lederle Laboratories tried to do the same thing. The neighborhood does not want Anellotech.

Tom Sullivan, Highland Avenue, Pearl River, discussed Jim Reilly's white paper that was submitted to the Board. The Board should say No to the project since it is impossible to believe the applicant. Mr. Sullivan requested the Board to rescind the Negative Declaration or hold off its decision for this evening.

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Justin Devendorf, Franklin Street, Nyack, representing Senator Carlucci, read a letter from the Senator and provided it to the Board.

Barbara Seidel, Sandra Lane, Pearl River, discussed cancer rates among young adults that she has experienced, since she was a nurse practitioner at Sloan Kettering Cancer Center in New York City.

Kathrine Spadt, Pearl River, opposed the project.

John Finuchane, a retired firefighter, has lung damage and noted that there are a lot of retired firefighters in Pearl River. He opposed the project.

Daniella O'Connell, Rolling Hills Drive, Pearl River had Lung cancer due to chemical exposure. She doesn't want anyone to suffer like she has.

Robert Tompkins, Gilbert Avenue, Pearl River, discussed the applicant's effort to help the United States addiction to petroleum verse the public concerns over safety. He tried to place himself as a Planning Board Member and has concluded that the Board should collect all relevant information and draw its own conclusion of what is best for the community and country.

Andy Kolbrenner, Valentine Avenue, Sparkill, discussed the Planning Board's process; weighing the cons and pros of the project. He requested that the Board review what the community wants and vote "No" to this project.

Eileen Larkin, Palisades, opposed the project. She requested information regarding the construction of the building and if it is visible off of the Pfizer Campus. Ms Larkin discussed the selection process of the Land Use Board Members by the Town Board and concerns for the community rather than developers.

Laura Woodward, Pearl River, noted that she understood that the Pfizer Campus needs to be developed but proposed that the uses should not cause fear to the neighborhood. She wanted more independent studies of the site and its impact on health.

Peter O'Brian, Franklin Avenue, Pearl River, an electrician and certified asbestos handler, said he chooses to place himself in a situation with hazardous materials and know how to handle the material. He questioned the Board regarding a possible accident and if there was a plan for that occurrence. Mr. O'Brian also wanted more information on why the project was only for three years.

Janette Mahoney, Margaret Keohon Drive, Pearl River, does not want to expose her family to chemicals and wanted the Board to vote No.

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Ray Prucher, Railroad Avenue, Pearl River, urged the Board to vote No and to keep Anellotech out of Pearl River and Rockland County. He stated that he understood looking for alternatives to fossil fuels, noting that there is plenty of wind and sun that we can invest in instead of burning chemicals. Mr. Prucher stated that he moved to Pearl River over other locals because it was not impacted by environmental harmful uses.

Max Aurebach, May Road, Pearl River, a relative passed away from Brain cancer and he does not want anyone else to die from cancer.

Pam Aurebach May Road, Pearl River, asked the Board to vote No for the children of Pearl River.

Jim Flynn, Pearl River, supported the project, noting that the house next to him burns wood and puts out more pollution that Anellotech would. The project is a start-up of the Pfizer campus.

Manny Larenas, Pearl River, expressed concerns that the applicant's project would cause cancer. There is a lack of leadership in Orangetown which is the real problem. He believed that people should no longer roll over for developers.

Tom O'Connell, Palisades, stated that the production of benzene is illegal in the Town of Orangetown Town Code and the Board should say No.

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

Reaffirmation and Amendment to Negative Declaration

Based upon all of the information submitted, both prior to and during the public hearing on September 10, 2014 (PB #14-37) as well as prior to and during the public hearing on March 11, 2015, and the information submitted prior to and during the public hearing at the April 22, 2015 public hearing, the Board made a motion to re-affirm and amend the previously issued Negative Declaration to incorporate all of the environmental considerations that were addressed before the Board with respect to the project, including but not limited to the Full Environmental Assessment Form, which has been reviewed and accepted by the Planning Board as part of this process, the motion was made by William Young and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, nay, William Young, aye; Robert Dell, nay; Stephen Sweeney, aye and Thomas Warren, aye.

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

1. The following note shall be placed on the Site: "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 Maximum Allowable Height for the building extension is approximately 97.5 feet and the Maximum Allowable Height for the vent pipe is approximately 117.5 feet based on the setback to the Town of Orangetown boundary line. Please verify and correct these values in the Zoning Bulk Table.
4. The drawing shall show how the runoff from the proposed impervious areas shall "enter" the proposed stormwater facilities.
5. A revised SWPPP shall be submitted for review by DEME.
6. Soil erosion and sediment control devices shall be shown for the proposed realignment of the existing rip rap swale.
7. The applicant's engineer shall look into moving the proposed drywells away from the existing utility pole.
8. The Drainage Consultant to the Planning Board, Brooker Engineering, found the application shows potential significant impacts with respect to stormwater runoff can be mitigated. The consultant therefore recommends that the Anellotech Site Plan be approved for drainage subject to the following project comments.

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Continuation of Condition #8...

Project Description

This is the second drainage review report to the Planning Board for this project; the last review was dated September 8, 2014. The project consists of the construction of a 46' x 49' building extension and paved driveway and loading area. The area slopes downhill in a westerly direction and there is an existing riprap swale along the downhill limit of land disturbance. The applicant is proposing two drywells and a rain garden to provide stormwater mitigation.

Project Comments

1. The drainage calculations mitigate for an increase of volume for 810 cubic feet based on the existing and developed condition hydrographs; they do not address increases to peak runoff rates shown on the hydrographs. Routing calculations shall be provided that demonstrate peak runoff rates do not increase for proposed conditions.
2. The existing utilities on the plan shall be clearly labeled. It appears there are existing utilities running parallel to the edge of pavement in front of the building; the proposed rain garden is located over these utilities. The rain garden shall be relocated away from the utilities.
3. A detail for the rain garden shall be provided and it shall be clearly demonstrated how runoff from the new driveway will enter the rain garden. Proposed grading shall be shown for the rain garden.
4. It appears that the front loading area does not have a roof; proposed spot grades shall be added that shows runoff in this area is directed away from the building. The method for collecting runoff from the front and rear loading areas and directing it to the drywells shall be shown on the plan. Remove the proposed contours from the front loading area.
5. The drywells shall be separated by at least the diameter of the drywell. Inverts of the drywells shall be shown on the plan. Pipe inverts and diameters shall be added to the plan. Volume below the elevation of the outlet pipe shall not be included in the available storage calculations. The drywells shall be relocated away from the existing utility pole and overhead wires.
6. Revise the grading in the rear of the addition to show that stormwater runoff is directed away from the building.
7. Show the existing storm drain pipes on the plan, including the outlet of the catch basin that receives the overflow from the drywells.
8. As per our September 8, 2014 report, add a map note indicating the maintenance plan for the drywells. Include in the plan that the receiving field inlet is to be cleaned as well.

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

- An updated review shall be completed by the New York State Department of Transportation and any required permits obtained.
- An updated review must be completed by the County of Rockland Department of Highways and all required permits obtained.
- An updated review must be completed by the County of Rockland Drainage Agency and all required permits obtained.
- By State Law, the applicant must register with the local fire inspector, using Form 209U for the proposed chemical bulk storage materials – and – Under SARA – Title 3, the applicant must register with the Rockland County Office of Fire & Emergency Services.
- As indicated in the February 6, 2015 letter from the Rockland County Department of Health, an application must be made to them for review of the stormwater management system to ensure compliance with the County Mosquito Code.
- As indicated in the January 15, 2015 letter from the New York State Department of Environmental Conservation (NYS DEC), all additional information provided must be provided, all applicable permits must be obtained, and all conditions met.
- The Town of Clarkstown is one of the reasons this proposal was referred to Rockland County Department of Planning for review. The municipal boundary is along the northern property boundary of the site. New York State General Municipal Law states that the purposes of Section 239-1, 239-m and 239-n of the law shall be to bring pertinent intercommunity and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include intercommunity 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. The Town of Clarkstown must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Clarkstown must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

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Continuation of Condition #9...

- Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in peak rate of discharge from the site at all design points.
- The drawings and the referral form from the Town of Orangetown refer to this parcel as being Section 68.08-1-1B. This is the number that was assigned by the applicant during the subdivision process; it is not an official tax parcel number. Since this building is part of the larger parcel, the correct tax parcel number should be 68.08-1-1. The other parcel formed from the subdivision will be 68.08 -1-5. The application form and the site plan must be correct to reflect the correct tax parcel.
- The title block for the site plan refers to an address, 401 North Middletown Road, and a building number, Building 170A. However, the title under the drawing on the same page refers to building 123. It is not clear if building 170A is for mailing purposes only, or if this building number is in error. Please clarify, and/or correct.

10. Based on the information provided, the Rockland County Department of Health (RCDOH) noted that application is to be made to RCDOH for review of the system for compliance with the County Mosquito Code.

11. Based upon the plans and information received, the Rockland County Highway Department finds that the proposed action should have a minimum adverse impact upon county roads in the area. A Rockland County Highway Department Work Permit will be required for the proposed development and must be secured prior to the construction on site.

12. Rockland County Drainage Agency (RCDA) had the following comments (Note that all drawings and calculations/ analysis submitted in support of the application must be dated, signed and stamped or sealed by a Professional Engineer or a Registered Architect licensed in the State of New York):

1. "Stormwater Pollution Prevention Plan" with stormwater calculations submitted is not bound and not signed and stamped or sealed. Please provide the RCDA with bound report signed and stamped or sealed by a Professional Engineer or a Registered Architect licensed in the State of New York, as required.
2. The Site Plan drawing title block indicates a drawing scale of 1"=20'; however, the drawing submitted does not appear to be to the scale as indicated. Please provide the RCDA with scaled and legible drawings signed and stamped or sealed by a Professional Engineer or a Registered Architect licensed in the State of New York, as required.

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Continuation of Condition #12...

3. The Site Plan indicates proposed locations of silt fence within the project area; however, please revise the silt fence location so it is downgrade of all proposed disturbed areas, including areas of the proposed drywells, rain garden and rip rap swale relocation.
4. Revise the "Precast Drywells Detail" to indicate the size and location of connector pipe between drywells.
5. "Stormwater Pollution Prevention Plan" (SWPPP) indicates that the proposed driveway runoff will be directed to the proposed rain garden; however, based on the proposed contour lines on the Site Plan, the runoff from the driveway appears to bypass the rain garden area. Please review and revise the Site Plan as necessary to direct runoff from the driveway to the proposed rain garden and to be consistent with the SWPPP.
6. In accordance with Chapter 846, Rockland County Stream Control Act, please provide the RCDA with an environmental impact statement for the proposed project that provides sufficient information and details of the upstream and downstream impact of the proposed project with respect to the impact on aquatic life and habitat, fauna, biota, vegetation and wetlands. The environmental impact statement should also identify and describe any mitigating measures that will address the potential environmental impacts of the proposed project. The environmental impact statement submitted does not address the impact of the proposed project on aquatic life and habitat, fauna, biota, vegetation and wetlands.
7. Provide the certification issued by the Floodplain Administrator for the Town of Orangetown indicating that the proposed construction is in compliance with the floodplain regulations of the Town of Orangetown and the Federal Emergency Management Agency.
8. Please have your Engineer provide the RCDA with an estimate of cost of construction for the proposed storm drainage improvements, detention/ storage facilities, and soil erosion and sediment control measures for the required performance Bond. As indicated in the Rockland County Stream Control Act Permit Application rules and regulations, a performance bond for the proper performance of all work affecting County streams is required.
9. A "Notice of Application" to be published by the applicant was forwarded to you by the RCDA on March 9, 2015. The last day to receive public comment was indicated as April 17, 2015 in the "Notice of Application." Please request the newspaper publisher to provide you with an Affidavit of Publication for the notice when published and forward it to the RCDA for filing with your application.

13. New York State Department of Transportation (NYS DOT) reviewed the submitted information and had no comments on the proposed project and there is no NYSDOT Highway Work permit required for the proposal.

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14. The Town of Clarkstown had the following recommendations:

- Require Anellotech to post funding in escrow with the Town of Orangetown to cover the cost of periodic air quality monitoring in the area of the project, to ensure harmful emissions are not being produced at the site.
- Provide information on the anticipated shipping routes for materials being transported to and from the site.
- A plan detailing the procedure for accidental spillage of the materials being produced at the site or on route to another location.
- A definitive answer should be obtained from the New York State Department of Environmental Conservation regarding any permits required for the operation of the facility, particularly whether a Part 360 permit will be required for solid waste handling on the site.

15. The applicant shall submit to monitoring and/or periodic testing by Trinity Consultants or such other independent air emissions consultant as required by The Town of Orangetown Office of Building, Zoning and Planning Administration and Enforcement (OBZPAE). This monitoring and testing shall be in addition to monitoring as required by New York State Department of Environmental Conservation (NYS DEC) and shall be conducted on a semi-annual basis commencing one month after the issuance of a Certificate of Occupancy to the premises, and every six months thereafter, or as otherwise determined by the Director of OBZPAE to be appropriate and necessary to ensure the public health, safety and welfare. A formal Monitoring Agreement shall be established, to the satisfaction of OBZPAE and the Town of Orangetown Town Attorney's office for review and approval, in content and form. The agreement shall contain an Escrow Account to cover the cost of periodic air quality monitoring in the area of the project. The Escrow Account shall be established before any Certificate of Occupancy is granted for the building. The amount of escrow shall be replenished by the applicant, its successors or assigns, whenever the escrow is accessed for payment of monitoring pursuant to this decision and as otherwise required by OBZPAE. The monitoring shall measure emissions to ensure that the actual emissions do not substantially deviate from the current models provided by the applicant in this application and as analyzed and determined by the consultants and NYS DEC referenced herein. To the extent that the current models change resulting in a substantial deviation in emissions from that which has presented herein, any such change must be reviewed and approved by the Planning Board as part of the site plan approval (and Certificate of Occupancy) and Zoning Board of Appeals for performance standards, Such determination as to whether there is a substantial deviation shall be made by the Director of OBZPAE, in consultation with the air emissions consultant.

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16. As indicated in the April 16, 2015 letter from the New York State Department of Environmental Conservation (DEC), the applicant intends to apply for Research, Development and Demonstration Permit pursuant to 6 N.Y.C.R.R. §360-1.13, in order to undertake certain activities at a proposed facility in the Town of Orangetown, Rockland County. It is DEC's understanding, based on materials submitted to DEC and its pre-application meeting of March 19, 2015, that this permit is required to undertake the proposed activities. The applicant shall comply with any required permits and requirements established by DEC.

17. The Town of Orangetown Bureau of Fire Prevention reviewed the plans and offered the following comments.

- Extend Fire Sprinkler coverage from the main building to the addition.
- Extend Fire Alarm coverage from the main building to the addition.
- Provide a description of operations to include:
 - Hazardous material storage and use, processes, etc.

Please note that further comments from the Bureau of Fire Prevention cannot be made without the above information.

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

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

20. 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.

21. 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.

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Continuation of Condition #21...

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.

22. 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.

23. 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.

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

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25. 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 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).

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

27. 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

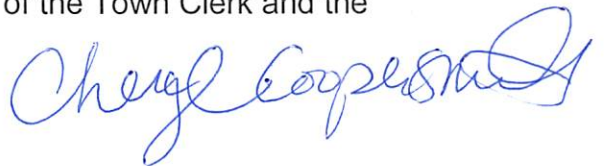
28. The Planning Board shall retain jurisdiction over lighting, landscaping, and signs and refuse control.

29. The applicant shall comply with all applicable conditions of previous Board Decisions: ZBA#14-81, Performance Standards Approved with Conditions, dated January 21, 2015; ACABOR #14-41, Approved Subject to Conditions, dated November 20, 2014 and PB #14-37, Preliminary Site Plan Approval Subject to Conditions, dated September 10, 2014.

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

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

**Dated: April 22, 2015, Cheryl Coopersmith,
Chief Clerk Boards and Commissions**
attachment



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Attachment 1

TOWN OF ORANGETOWN

**STATE ENVIRONMENTAL QUALITY REVIEW
AMENDED NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

April 22, 2015

Lead Agency:

The Planning Board of the Town of Orangetown
Town of Orangetown Building Department
20 South Greenbush Road
Orangeburg, New York 10962

This Notice is issued pursuant to Part 617 of the implementing regulations of Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant effect on the environment. This Negative Declaration Amends the previous Negative Declaration by the Planning Board issued on September 10, 2014 pursuant to 6 NYCRR 617.7(e)(1) based upon substantive new and additional information received by the Planning Board with respect to this project. A copy of the original Negative Declaration of September 10, 2014, which is hereby re-affirmed, is annexed hereto and incorporated by reference herein.

Title of Action: Anellotech Site Plan, Addition to Building 123 at 401 N. Middletown Road, Pearl River, NY for a Research and Development facility to study the production of organic chemicals from sustainable and renewable biomass.

SEQR Status: Unlisted Action

Description of the Action:

The proposed action, entitled "Anellotech Site Plan", involves an application for a Site Plan Approval from the Planning Board for an addition to Building 123 at 401 N. Middletown Road, Pearl River, NY for a Research and Development facility to study the production of organic chemicals from sustainable and renewable biomass. The footprint of the addition is approximately 2,254 sq. feet (49 feet by 46 feet) and the total acreage of the site of the proposed action is approximately one half (0.5) acre.

Location:

The proposed action will be located in at Building 123 located on what is known as the Pfizer Campus, owned by Wyeth Holdings Corp. on a portion of 401 North Middletown Road, Pearl River, New York on property bearing Tax Map designation Section 68.08, Block 1, Lot 1 on the Tax Map of the Town of Orangetown.

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STATE ENVIRONMENTAL QUALITY REVIEW
AMENDED NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE
Anellotech**

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**REASONS SUPPORTING
THIS DETERMINATION**

I. Information Reviewed and Relied Upon With Regard to Issuance of Negative Declaration on 9/10/2014

In making its determination, the Planning Board, acting in its capacity as Lead Agency, considered the following:

- (1) The application of the Applicant to the Town Planning Board, including a Project Narrative and proposed site plan maps;
- (2) Site Plan prepared by Civil Tec Engineering & Surveying, P.C., dated 6/17/2014, last revision date of 7/11/2014
- (3) Short Form Environmental Assessment Form dated 7/10/2014 signed by David Sudosky, President, Anellotech, Inc.;
- (4) A copy of PB#14-29, Pfizer Subdivision, Final Approval Subject to Conditions, dated 6/25/2014;
- (5) A project review committee report dated 09/03/2014;
- (6) An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement (OBZPAE), signed by John Giardiello, P.E., Director, dated 9/10/2014;
- (7) An interdepartmental memo from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E, dated 9/4/2014;
- (8) A letter from Brooker Engineering, signed by Kenneth DeGenarro, P.E., dated 9/8/2014;
- (9) Letters from the Rockland County Department of Planning, signed by Arlene Miller, Deputy Commissioner, dated 8/4/2014 and from Doug Schuetz, Acting Commissioner of Planning dated 8/12/2014;
- (10) Letters from the Rockland County Department of Health signed by Scott McKane, P.E., Senior Health Engineer, dated 7/23 and 7/24/2014;
- (11) A letter from the Rockland County Department of Highways signed by Sonny Lin P.E., dated 9/5/2014;
- (12) A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, Dated 8/27/2014;
- (13) A letter from Rockland County Sewer District No. 1 signed by Joseph La Fiandra, Engineer II, dated 8/13/2014;
- (14) An interdepartmental memo from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief, dated 8/28/2014;

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- (15) A letter from the Town of Clarkstown Planning Board signed by Rudolph Yacyszyn, Vice Chairman, dated 7/28/2014;
- (16) A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated 7/16/2014;
- (17) Comments and submissions made by applicant and the public at Hearing held on 9/10/2014.

II. Substantive New Information Reviewed and Relied Upon to Amend Negative Declaration

- (18) Town of Orangetown ACABOR approval decision dated 11/20/2014;
- (19) Town of Orangetown Zoning Board of Appeals approval decision dated 01/21/2015 regarding Performance Standards;
- (20) Letter from Mark Schneidkraut, P.E., Anellotech, Inc., dated 01/30/2015; containing the following information:
 - a) Letter from NYS Department of Environmental Conservation, Division of Environmental Permits, signed by Joseph R. Murray, Environmental Analyst, dated 1/15/2015
 - b) Letter from Trinity Consultants, signed by Elizabeth Gorman, Senior Consultant, dated 1/21/2015
 - c) Letter from Triumvirate Environmental dated 1/21/2015
 - d) Letter from Rockland County Dept. of Health signed by Judith Hunderfund, P.E., Dated 12/1/14
 - e) Letter from Rockland County Dept. of Health signed by Scott McKane, P.E. dated 12/3/2014.
 - f) Letter from Orangetown DEME signed by Joseph Moran, Director, dated 10/08/2014
 - g) Letter from Anellotech, Inc. signed by David Sudolsky, dated 01/08/2015.
- (21) Letter from Veolia Environmental Services dated 1/16/2015;
- (22) Letter from Mark Schneidkraut, P.E., Anellotech, Inc., dated 2/27/2015;
- (23) Letter from Rockland County Dept. of Health signed by Scott McKane, P.E. dated 2/6/2015;
- (24) Letters from NYS Department of Environmental Conservation, Division of Materials Management signed by Thomas Rudolph, P.E., Regional Engineer dated 02/28/2015;
- (25) E-Mail from Jennifer P. Clark, P.E. Resident Engineer, NYS Department of Transportation dated 09/15/2014;
- (26) A project review committee report dated 03/04/2015;

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**TOWN OF ORANGETOWN
STATE ENVIRONMENTAL QUALITY REVIEW
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- (27) Letters, E-Mail Correspondence, Submissions and Petitions in opposition to the project as more fully contained in the Planning Board File;
- (28) Two interdepartmental memoranda from the Office of Building, Zoning, Planning Administration and Enforcement (OBZPAE), signed by John Giardiello, P.E., Director, dated 03/11/2015 and 04/22/2015
- (29) An interdepartmental memo from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E, dated 03/05/2015;
- (30) Letter from the Rockland County Department of Planning signed by Douglas Schuetz, P.E., Acting Commissioner, dated 03/04/2015;
- (31) Letter from Town of Clarkstown Planning Board signed by Shirley Thormann, Chairwoman, dated 02/27/2015;
- (32) Letter from Zarin & Steinmetz to NYS DEC regarding permitting dated 02/20/2015;
- (33) Letter from Brooker Engineering, PLLC dated 03/11/2015 signed by Kenneth DeGennaro, P.E.;
- (34) E-Mail from Mark Schneidkraut, P.E. dated 03/11/2015 to Cheryl Coopersmith;
- (35) Comments, Email correspondence and submissions received from the public prior to and at the Public Hearing held on 03/11/2015;
- (36) Letter dated 03/17/2015 from Jose Simoes, Principal Planner, Town of Clarkstown;
- (37) Letter dated 03/20/2015 from Shajan Thottakara, P.E., CFM, Rockland County Drainage Agency;
- (38) Letter dated 04/01/2015 from Edwin Day, Rockland County Executive;
- (39) Letter dated 04/02/2015 from Brian Condon, Esq. and responsive letter from Robert V. Magrino, Deputy Town Attorney dated 04/13/2015;
- (40) Letter dated 3/17/2015 from Jose Simoes, Principal Planner, Town of Clarkstown;
- (41) Letter dated 3/20/2015 from Shajan S. Thottakara, PE, CFM, Rockland County Drainage Agency;
- (42) An interdepartmental memo from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated 04/16/2015;
- (43) Submission by James K. Riley, Esq., undated but received by Building Department on 04/15/2015;

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- (44) Letter dated 04/15/2015 from William S. Bahary, PhD. Chemist, noting his objection to the project;
- (45) Letter dated 04/15/2015 from Brian Condon, Esq. (received 04/21/2015); Responsive letter dated 04/22/2015 from Robert V. Magrino, Deputy Town Attorney;
- (46) Letter dated 04/16/2015 from Zackary Knaub, Regional Attorney for NYS DEC;
- (47) Letter dated 04/21/2015 from Charles Sorensen, PhD, P.E., on behalf of Anellotech;
- (48) Letter dated 04/22/2015 from Daniel M. Richmond, Esq., Zarin & Steinmetz, attorneys for Anellotech;
- (49) Comments, Email correspondence and submissions received from the public prior to and at the Public Hearing held on 03/11/2015;
- (50) Full Environmental Assessment Form, Part 1 completed by applicant; Parts 2 and 3 prepared by John Giardiello, PC, Director, OBZPAE and adopted by Planning Board.

In addition to the aforesaid, the Planning Board has also considered all submissions and comments of the public prior to and at the Public Hearings conducted on the application.

III. Familiarity with the Site

The members of the Planning Board, in general terms, are familiar with the location of the proposed action, including its proximity to the nearby roadways, neighborhoods and other development in the area.

IV. Potential Impacts Considered and Determined Not to Be Significant

The Board has considered the following issues and potential impacts, and has concluded that neither individually nor cumulatively will they have a significant impact on the environment, as set forth herein and more fully in the Full EAF that has been adopted and incorporated by reference herein:

1) Impact on Land

- 1.a) Ground water >11 feet as per soil borings. (No impact).
- 1.b) 8% of active site on slopes 15% or greater. (Small impact).
- 1.c) Bedrock > 25 feet as per soil borings. (No impact).
- 1.d) No large excavation. (No impact).
- 1.e) 6 – 9 month construction period. (No impact).
- 1.f) Erosion and sediment control measures will be implemented. (No impact).
- 1.g) No coastal erosion. (No impact).

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2) Impact on Geological Features

No geological features. (No impact).

3) Impact on Surface Water

Pest management Practices used and pesticides not stored on site. (See Anellotech letter of April 15, 2015). (No impact)
No encroachment on water bodies or wetlands. (No impact)
Erosion and sediment control measures will be implemented. (No impact).

4) Impact on Groundwater

Sanitary wastewater to Orangetown Sewage Treatment Plant – 300 gal/day. (No impact).
Hazardous waste stored in Department of Transportation drums with secondary containment. (Small impact) (See Anellotech letter of April 15, 2015).
Hazardous waste will be transported offsite. (See Veolia Environmental Services letter January 16, 2015). (Small Impact)
New York State Department of Environmental Conservation will regulate the facility as a solid waste facility. (No impact).

5) Impact on Flooding

Not in a 100 year flood zone as per Flood Insurance Rate Maps, map number 36087CO159G, panel 159 of 207, effective date March 3, 2014. (No impact).

6) Impact on Air

Process emissions, which have been identified as benzene/toluene/xylene (BTX) will be mitigated by air pollution control equipment and are far below New York State Department of Environmental Conservation and United States Department of Environmental Protection guidelines. (See New York State Department of Environmental Conservation letter of January 15, 2015; See independent reviews by: Trinity Consultants letter of January 21, 2015; Triumvirate Environmental letter of January 21, 2015). It should be noted the Board also received and reviewed a letter from William S. Bahary, Ph.D, a chemist and citizen activist opposed to the project dated April 15, 2015, which outlined his grave concern of the production and/or emission of BTX at this site, noted his objection to the project because it involves the production of benzene and toxic and carcinogenic substances, and noted it is too risky for the Town. Methane will be converted to CO₂ and H₂O emissions. Air emissions for the listed items in 6 a. were submitted by the applicant and are much less than the thresholds listed by the NYSDEC. (See Anellotech letter of April 20, 2015).

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As set forth in the letter from Trinity Consultants, "Emissions from the proposed project are less than all regulatory thresholds, and the ambient air quality impact screening analysis conducted by Anellotech and reviewed by NYSDEC and Trinity demonstrates that the ambient impacts of the emissions from the project are well below health based acute or chronic exposure limits published by the NYSDEC."

The applicant will monitor and keep track of emissions and has agreed to an independent third party sampling schedule as acceptable to the Planning Board and to be reported to and overseen by the Town Director of Office of Building, Zoning, Planning, Administration and Enforcement (OBZPAE).

(Small or no impact).

7) Impact on Plants and Animals

Deer, rodents, rabbits and birds present.
No loss of flora or fauna. (No impact).

8) Impact on Agricultural Resources

No farmland. (No impact).

9) Impact on Aesthetic Resources

No scenic resources on site.
Publicly accessible resources are within five miles but proposed project is not visible from resources. (No impact).

10) Impact on Historic and Archeological resources

Some archeological and historic sites are in town but none known at the project site. (See Anellotech letter of April 15, 2015). (No impact).

11) Impact on Open Space and Recreation

No recreation or open space at the project site. (No impact).

12) Impact on Critical Environmental Area

Not in or adjacent to the Critical Environmental area. (No impact).

13) Impact on Transportation

No change to existing transportation system. (No impact).

14) Impact on energy

Incremental electricity demand handled by existing infrastructure. (No impact).

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15) Impact on Noise, Odor and Light

Potential odors to be emitted as a result of the project include benzene, methane, carbon dioxide (odorless), and water (odorless), but any such odors will be far below the thresholds as set forth in Town Code Section 4.182. (See Anellotech letter dated April 20, 2015). See Response to Item 6 above. (Small or no impact).

16) Impact on Human Health

The Applicant must obtain a Research, Development and Demonstration Permit pursuant to 6 NYCRR §360-1.13 for solid waste management facilities, which will include requirements as the DEC determines necessary to protect human health and the environment, including but not limited to monitoring and such requirements as the DEC deems necessary regarding testing and providing information to the DEC about the operation of the facility. See New York State Department of Environmental Conservation letter of January 15, 2015); (See New York State Department of Environmental Conservation Letter of April 16, 2015 Hazardous waste will have secondary containment on site and all Hazardous waste and materials will be removed from site by hauler. (See Veolia letter dated January 16, 2015). See also, Response to Item 6, above. (Small or no impact).

17) Consistency with Community Plans

The proposed action is consistent with adopted land use plans. It is noted that objections to the project have been raised by some community members, while other community members have expressed support for the project.

The project is located in an LI zone district (Light Industrial) on the Pfizer campus formerly American Cyanamid/Lederle Laboratories. American Cyanamid had their main manufacturing and research facilities located at this site. (No impact).

18) Consistency with Community Character

The proposed project is consistent with the existing community character since it is located in an LI zone district, which permits all manufacturing uses, including Laboratory and Research Facilities and Light Manufacturing. (See Town Code §11.2). The project site is located on a 203 acre existing light industrial campus and the proposed building addition is similar in appearance to other buildings on the campus. See also Response to Item 17, above. (No impact).

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V. Further Comments and Findings

The Board originally issued a Negative Declaration on or about September 10, 2014, a copy of which is attached hereto for reference. During the course of further proceedings on the matter, substantive new and additional information was presented to the Board. As a result of the new information, the Board requested that a Full EAF be provided for further environmental review and consideration. Based upon the information provided in the Full EAF and all submissions that constitute a part of the Planning Board file in this matter, as well as information received during public hearings referenced herein, the Board decided to amend the negative declaration to include this new and additional information.

As set forth more fully in the Full EAF, which is incorporated by reference herein, much of the substantive new information pertained to the potential emissions as well as the storage and transport of hazardous waste and the process which the applicant intends on implementing at the site. These issues were a cause of public concern as expressed at the public hearings and in submissions received by the Board. In particular, concerns over the use, storage and/or emission of benzene, toluene and xylene were raised and considered. The Board has looked at these issues and was assisted in analyzing the potential impacts by way of two independent reviews referenced herein, as well as input from the NYS DEC, the Town Department of Environmental Management and Engineering, and all submissions received by the Board in consideration of the matter.

The Board determined this amended Negative Declaration is in order as the proposed emissions are well below the NYS DEC and Federal EPA standard limits (see NYS DEC Letter dated 01/15/2015; see also Trinity Consultants Letter dated 1/21/2015; see also Triumvirate Environmental Letter dated 1/21/2015), and the Full EAF annexed hereto. The Board was also satisfied that NYS DEC permitting for transporting and storing of materials and waste would ensure that any potential environmental impacts are minimal.

The Board determined therefore that the previously issued Negative Declaration was properly issued and that same be re-affirmed and amended by this Amended Negative Declaration, to include all of the information contained within the Full EAF.

In summary, after evaluating all of the potential environmental impacts relating to the proposed actions, the Town Board concludes that there will be no significant environmental effect caused thereby.

For Further Information, Contact:

John Giardiello, P.E., Director OBZPAE
Town Hall, Town of Orangetown
20 Greenbush Road South
Orangeburg, New York 10962
(845) 359-8410
Email:OBZPAE@Orangetown.com

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Attachment 2

PB #14-37: Anellotech Site Plan – Preliminary Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
September 10, 2014**

**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: Anellotech Site Plan – Preliminary 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 401 Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.01, Block 1, Lot 1 in the LI & LIO zoning districts.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

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**PB #15-18: Holt Construction Corporation Site Plan: Preliminary Site Plan
Subject to Conditions/ Neg. Dec.**

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**TO: John Atzl, 234 North Main Street, New City, New York
FROM: Orangetown Planning Board**

RE: Holt Construction Corp. Site Plan: The application of Holt Construction Corporation, applicant, for John F. Holt, owner, (Patricia Zugibe, attorney for the applicant), for Prepreliminary/ Preliminary Site Plan Review, at a site to be known as "Holt Construction Corp. Site Plan", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the code of the Town of Orangetown. The site is located on the 23 & 50 East Washington Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map: Section 68.16, Block 6, Lot 6 & Section 68.16, Block 4, Lot 34; CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, April 22, 2015**, the Board made the following determinations:

John Atzl, William Holt and Patricia Zugibe appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated April 15, 2015.
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 April 22, 2015.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated April 16, 2015.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated April 21, 2015.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated March 30, 2015.
6. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 10, 2015.
7. A letter from Rockland County Sewer District No.1, signed by Rory Tinstone, Engineer I, dated March 25, 2015.
8. A letter from the New York State Department of Transportation, signed by Akhter Shareef, Senior Transportation Analyst, dated March 20, 2015.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chairman, dated March 4, 2015.

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10. A Narrative Summary, prepared by Atzl, Nasher & Zigler P.C., dated February 19, 2015.
11. A Short Environmental Assessment Form, signed by John Atzl, dated February 19, 2015.
12. A Stormwater Management Design Report prepared by Atzl, Nasher & Zigler P.C., dated February 19, 2015.
13. Holt Construction Corp. Site Plans, prepared by Atzl, Nasher & Zigler P.C. dated February 19, 2015:
 - Drawing 1 of 8:
 - Drawing 2 of 8:
 - Drawing 3 of 8: Grading and Utilities & Erosion Control Plan

The Board reviewed the plan and photographs.

The hearing was then opened to the Public.

Public Comment:

Thomas O'Brian, East Washington Avenue, Pearl River raised concerns with the lot becoming a parking lot.

Sandra O'Brian, East Washington Avenue, Pearl River, noted that the proposed exist could interfere with her driveway access and requested that all driveways around the site be noted on the plan.

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

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the

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applicant, the applicant's professional representatives, namely John Atzl, of Atzl, Nasher & Zigler and the Town of Orangetown's Drainage Consultant, Brooker Engineering, 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 Health, Rockland County Sewer District No.1, New York State Department of Transportation and having reviewed a proposed Site Plan by prepared by Atzl, Nasher & Zigler, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

On motion by Bruce Bond and seconded by William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; Robert Dell, aye; Michael Mandel, aye; Stephen Sweeney, aye and Thomas Warren, 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. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The Site Plan shall note all existing driveways on adjacent lots on the plan
4. The Site Plan shall note the location of the pedestrian crosswalks.
5. The following variances need to be sought from the Town of Orangetown Zoning Board of Appeals:

Lot 68.16-6-6

- A) Minimum Side Yard Setback is 0/12 feet and 2.3 feet is proposed for the new addition and 2.2 feet is existing for the existing 1 story frame building. Please note 1.5 feet exists for the existing storage shed at the rear of the property.
- B) The Total Side Yard Setback is 0/25 feet and 3.7 feet is existing. Please amend the Bulk Table under "Required" to read "0/25" for the minimum Total Side Yard.
- C) Minimum Rear Yard Setback is 25 feet and 1.7 feet is existing.

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Continuation of Condition #5...

Lot 68.16-4-34

- A) Note 2 of the Use and Bulk Table states: "Where a side or rear lot line of a lot in CS adjoins or lies within 25 feet of any R district the following buffer shall be required, 15 feet for side and 50 feet for rear." The Site Plan has 12 feet proposed for the side opposite East Washington Avenue and zero feet proposed for the side opposite North William Street. Since this is a corner lot, the applicant can choose the rear and side lots. Please label the rear and side lot lines on the Site Plan.
- B) Please note lot coverage is 100% for properties in the CS zone; thereby the only restriction applicable is the buffer. Please revise the "maximum development coverage" required to 100%.

6. Section 6.33 of the Town of Orangetown Zoning Code is applicable and reads: Location and ownership of required accessory parking facilities. Required accessory parking spaces, open or enclosed, may be provided upon the same lot as the use to which they are accessory, or elsewhere, provided that all spaces therein are located within one thousand (1,000) feet walking distance of such lot. In all cases, such parking spaces shall conform to all of the regulations for the district in which they are located, and in no event shall such parking spaced be located in any R District unless the uses to which they are accessory are permitted in such districts. Such spaces shall be in the same ownership as the use to which they are accessory and shall be subject to deed restriction, filed with the County Clerk, binding the owner and his heirs and assigns to maintain the required number of spaces available either throughout the existence of such use to which they are accessory or until such spaces are provided elsewhere. (Amended 10-15-70 by L.L. No. 12, 1970)

7. The application shall appear at the Town of Orangetown Architecture and Community Appearance Board of Review.

8. Please indicate if any lighting is proposed for the parking lot on Tax Lot 68.16-3-34.

9. Signage restricting the use of the parking lot to Holt Construction shall be noted on the Site Plan.

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

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11. The Stormwater Management Design Report is under review, however, page 2, Section 4.1 "existing conditions" states that the drainage area delineation is shown on map E-1 (of the drainage report) but there is no clear delineation of the drainage areas on said map. This shall be corrected. Also, perc tests and soil tests shall be performed in the areas of the proposed infiltration system, to ensure the adequacy of the design. The design storm numbers used in the design report shall coincide with the new *New York State Stormwater Management Design Manual – January 2015* (i.e. 1yr. – 2.8, 10yr.- 5.2. 100yr. – 9.2)

12. Trench drains shall be depicted at both driveway locations, to prevent sheet flow from entering North William Street and East Washington Avenue.

13. The driveway location along East Washington Avenue is too close to the intersection of North William Street and East Washington Avenue. The driveway is supposed to be at least 50 feet from the intersection. It is understood that moving the driveway entrance along East Washington Avenue 50 feet to the west may not be possible, therefore, in an effort to gain more distance from the intersection, both driveway entrances shall be reduced to 12 – 15 feet wide. Also, the driveway along North William Street shall be signed and marked (painted arrow) as entrance only, the driveway along East Washington Avenue shall be signed and marked as exit only.

14. There is currently a striped crosswalk in front of the proposed parking lot (running north to south) across East Washington Avenue. This shall be shown on the drawings. The driveway entrance into the proposed parking lot appears to be "in-line" with this existing cross walk. The applicant will work with the Orangetown Highway Department to alter/ relocate this crosswalk.

15. Curbing shall be provided along the west side of North William Street, along the entire "Parking Lot" site.

16. The location of all existing utilities that service the exiting house (on the parking lot site), shall be shown. Also, the sanitary sewer house connection shall be labeled to be cut and capped.

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17. The location of the existing sanitary building connections (in the building lot), shall be shown on the drawing. A sanitary building connection shall be shown for the proposed addition, if applicable.

18. Post construction Stormwater Maintenance Agreements shall be provided for the proposed stormwater facilities. These shall be submitted to DEME and the Town of Orangetown Town Attorney's office for review and approval, in content and form.

19. The soil erosion and sediment control plans and details are under review by DEME.

20. The Drainage Consultant to the Planning Board, Brooker Engineering reviewed the application and found the application has provided support information to demonstrate mitigation of increases to peak stormwater runoff rates can be achieved and therefore recommends that the Holt Site Plan be approved for drainage subject to the following comments:

Project Description:

This is the Drainage Consultant's first drainage review report to the Planning Board for this project. The project contains two parcels; the first is located at the corner of North William Street and East Washington Avenue and the second is located on the south side of East Washington Avenue, just east of the North William Street intersection. Each parcel flows downhill in a southeasterly direction. The North William Street parcel contains an existing dwelling to be removed and replaced with a new parking lot. The East Washington parcel contains an existing office building and parking and a new 1334 square feet building addition is proposed at the southwest corner of the site. For ease of construction, stormwater runoff from the existing building on the north side of the East Washington Parcel is proposed to be intercepted and directed to the new detention system. This is an acceptable and conservative methodology. Each parcel proposes independent stormwater detention areas to mitigate against increases in stormwater runoff as a result of the new impervious areas from the proposed construction.

Project Comments

1. Show proposed grading on the west side of the new building. The natural drainage pattern is for off-site runoff to flow in a southeasterly direction toward the new building; the new building may impede the existing flow of stormwater runoff. Proposed grades shall be added that show runoff directed away from and around the building without negatively impacting the neighboring properties.

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Continuation of Condition #20...

2. The drywell detail shows a solid cover. Show the overflow exit for the drywells and the overland flow path. Show that the overland flow pattern will not be directed to the property to the east. Drywells shall be separated by at least the diameter of the drywells.
3. Show the first floor elevation on the new building. Show either a basement with a footing drain or a slab on grade construction. Provide proposed grades with positive drainage away from the building in all directions.
4. Show the drainage basins to be directed to the detention system on the North William Street. The drainage report assumes this area as WS#1; however, the grading indicates most of the runoff from the parking lot will bypass the catch basin and the detention basin will not function as designed. The single cross sloped parking lot will allow most runoff from the parking lot to bypass the proposed basin in the southeast corner of the lot and enter East Washington Avenue directly. Additional drainage structures or modified proposed grading at the North William Street entrance shall be provided to show that runoff from the high point in the northern portion of the parking lot will not directly enter North William Street; the single catch basin on the south side of the new entrance will not intercept the amount of surface runoff as assumed by the proposed drainage basin. For ease of inspection during construction, include the two watersheds intended to be directed to the catch basins on the Grading and Drainage Plan.
5. WS #2 is incorrectly labeled WS #1 on the page 8 of the drainage report.
6. The available storage in the detention systems will only store 1.3 inches of rainfall over the new impervious area for WS#1 and 1.0 inches of rainfall for WS#2. The volume of storage shall be increased and/or an alternate hydrologic method shall be used to show a routing of peak flows. Currently, the basins will fill quickly and then inflows will leave via the overflow pipe and no reduction in peak flows will occur during the design storms. The Drainage Consultant believes an increase in volume size can accommodate mitigation against potential adverse impacts with respect to stormwater runoff.
7. Stone volume below the drywell invert shall not be included in the available flood storage volumes.
8. Provide a sump in the catch basin detail with a hole in sump to dewater the basin and a hood over the outlet pipe.
9. The curblin along the west side of the North William Street Parking lot is on the property line; the existing off site building is close to the property line as well. Add more spot grades in this area to demonstrate the new curb will not impact the existing building and runoff can continue to be directed away from the existing off site building. Demonstrate car overhang in the parking stalls will not impact the off-site building or encroach over the property line.

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

- A review must be completed by the Rockland County Highway Department and any required permits obtained.
- As indicated in the March 10, 2015 letter from the Rockland County Health Department, an application must be made to for review of the stormwater management system to ensure compliance with the County Mosquito Code.
- All proposed signage shall be indicated on the Site Plan and shall conform to the Town of Orangetown sign standards.
- Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- The 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).

22. The Rockland County Department of Health (RCDOH) reviewed the plan and offered the following comments:

- Application is to be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito Code.

23. 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.

24. The New York State Department of Transportation reviewed the information and offered the following comment:

- The proposed addition to the building and access reconfiguration will not impact the existing State Highway System, and NYSDOT does not have additional comments to offer at this time.

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

- Town of Orangetown Zoning Board of Appeals
- Rockland County Department of Health
- Rockland County Sewer District No. 1
- New York State Department of Transportation

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

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

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

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

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

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

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29. 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.

30. 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.

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

32. 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).

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

34. 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

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

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36. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §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.

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

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

Dated: April 22, 2015
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Attachment



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Town of Orangetown Planning Board
NAME OF ACTION: Holt Construction Corp Site Plan: Preliminary Site Plan
Approval Subject to Conditions
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SEQR STATUS: Type I _____ Unlisted XXXXXX
CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located on the 23 & 50 East Washington Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map: Section 68.16, Block 6, Lot 6 & Section 68.16, Block 4, Lot 34; CS zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

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**TO: Edward Merritt, 9 Merritt Drive, Nanuet, New York
FROM: Orangetown Planning Board**

RE: Merritt Subdivision Plan: The application of James and Edward Merritt, owners, for Prepreliminary/ Preliminary/ Final Subdivision Plan Review, at a site known as “Merritt 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 on Merritt Drive, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 64.18, Block 1, Lot 78 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, February 25 and April 22, 2015**, the Board made the following determinations:

February 25, 2015

William Johnson, Thomas Ryan and Edward Merritt appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated February 18, 2015.
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 February 25, 2015.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated February 20, 2015.
4. Letters from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated February 16 and 25, 2015.
5. A letter from the Rockland county Department of Highways, signed by Sonny Lin, P.E., dated February 25, 2015.
6. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 5, 2015.
7. A letter from Rockland County Sewer District No.1, signed by Joseph LaFiandra, Engineer II, dated February 5, 2015.
8. A letter from the Town of Clarkstown, Department of Planning and Planning Board, signed by Shirley Thormann, Chairwoman, dated February 12, 2015.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chairman, dated February 4, 2015.

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10. A letter from Sparaco & Youngblood, PLLC, signed by William Johnson, Senior Staff Engineer, dated January 15, 2015.
11. Response letter to Correspondence from Sparaco & Youngblood, signed by Steve Sparaco, P.E., dated February 25, 2015.
12. A Short Environmental Assessment Form, signed by Steven Sparaco, P.E., dated January 15, 2015.
13. Copies of the following Board Decisions: PB #05-106, Final Subdivision Approval Subject to Conditions, dated August 10, 2005; ZBA #05-41, Use Variance Granted for Lots #3 and % and 280A for Lots #2 and #3, dated May 8, 2005; ACABOR #04-91, Approved Subject to Conditions, dated October 19, 2004 and PB #03-74, Preliminary Approval Subject to Conditions, dated June 25, 2003.
14. Merritt Minor Subdivision Plans for Sparaco and Youngblood, PLLC, dated January 15, 2015:
 - Drawing 1 of 8: Minor Subdivision Plat
 - Drawing 2 of 8: Planimetric Plan
 - Drawing 3 of 8: Grading, and Utilities & Erosion Control Plan
 - Drawing 4 of 8: Private Road Profile
 - Drawing 5 of 8: Existing Conditions
 - Drawing 6 of 8: Details
 - Drawing 7 of 8: Details - 2
 - Drawing 8 of 8: Details - 3

The Board reviewed the plan and photographs.

The hearing was then opened to the Public.

Public Comment:

Mr. Bartell, 38 Van Zandt Drive, Pearl River; questioned the Board regarding the type of housing proposed for the new lots.

The applicant requested a **CONTINUATION**

April 22, 2015

Steven Sparaco, Thomas Ryan and Edward Merritt appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated April 15, 2015.
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 April 22, 2015.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated April 17, 2015.

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4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated April 22, 2015.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated February 25, 2015.
6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated February 25, 2015.
7. A letter from Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated March 13, 2015.
8. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated April 21, 2015.
9. Merritt Minor Subdivision Plans for Sparaco and Youngblood, PLLC, dated January 15, 2015, last revision date of March 14, 2015:
 - Drawing 1 of 10: Minor Subdivision Plat
 - Drawing 2 of 10: Planimetric Plan
 - Drawing 3 of 10: Grading and Utilities & Erosion Control Plan
 - Drawing 4 of 10: Tree Protection & Planting Plan
 - Drawing 5 of 10: Road Profile
 - Drawing 6 of 10: Drainage Profiles
 - Drawing 7 of 10: Existing Conditions
 - Drawing 8 of 10: Details
 - Drawing 9 of 10: Details - 2
 - Drawing 10 of 10: Details - 3

Public Comment:

Mary Wholey, area property owner, raised concerns regarding the impact of the development on the drainage to her property.

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

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

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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 Sparaco and Youngblood and the Town of Orangetown's Drainage Consultant, Brooker Engineering, 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 Health, Rockland County Sewer District No.1, Rockland County Department of Highways, Town of Clarkstown and Town of Orangetown Zoning Board of Appeals and having reviewed a proposed Site Plan by prepared by Sparaco and Youngblood, 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 Stephen Sweeney and seconded by Thomas Warren and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; Robert Dell, aye; Michael Mandel, aye; Stephen Sweeney, aye and Thomas Warren, aye, the Board made a Negative Declaration pursuant to SEQRA.

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

1. The following note shall be placed on the Subdivision Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant is creating 4 new lots from 2 existing lots. The proposed private road extension of Merritt Road to Ehrhardt Road is acceptable to the Planning Board.
4. The private road extension shall be built to Town Road Specifications. The Board noted that the road width was acceptable since all properties owners abutting the roadway were related.
5. The sight distances at the entrance onto Ehrhardt Road shall be provided on the plan.
6. The plans shall indicate trees to be saved and removed.
7. The direction of drainage flow across proposed lots 5A and 5B shall be shown on the plan by arrows indicating the direction of flow
8. The Short Environmental Assessment Form appears to be in order.

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

- Lots 3A, 3B and 3A will require a 280-A Exception since they do not front on a Town road.
- Lots 3A, 3B and 5A require 75 feet of street frontage and zero feet is proposed.
- Lot 3B requires a Minimum Front Yard of 30 feet and 22 feet is proposed
- The Maximum Building Height allowed is 1 foot per 1 foot from a property line. Therefore the maximum height allowed for Lot 3A is 20.3 feet; for Lot 3B is 22 feet, for Lot 5A is 30 feet and for Lot 5B is 20.3 feet. Please give the maximum building heights proposed for the above lots.

10. The applicant still needs to comply with PB #05-106, Condition 4 (each lots deed shall contain covenant that roadway is to be private.)

11. The revised SWPPP that has been submitted is under review by DEME.

12. The northerly end of the proposed private driveway currently is depicted as turning on a point to change direction, this is not acceptable. The private driveway shall be realigned to meet the existing Merritt Road in more "in-line" configuration. (i.e. either there must be a horizontal curve proposed or the change in horizontal direction must start further south along the proposed road.)

13. A note shall be added to the plans stating that the proposed private access driveway shall remain forever private. This is necessary due to the fact that the access driveway being proposed does not meet the Town standards for a Town Street.

14. The proposed 15 foot wide drainage easement, through lots 1 and 2 shall state who the easement is to (i.e. who will own easement once filed).

15. Profiles for all of the proposed storm drainage lines and sanitary house connections shall be added to the drawings.

16. The SESC plan is under review, however a stabilized construction entrance shall be added to the plans. Also, erosion control measures shall e depicted for each of the lots/ proposed homes/ driveways.

17. The page and liber or instrument number, as well as ownership for all easements/ dedications shall be given on the plans.

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18. The Drainage Consultant to the Planning Board, Brooker Engineering reviewed the application and found the application sufficiently demonstrates that adverse impacts with respect to drainage can be mitigated. The consultant therefore recommends that the Merritt subdivision be approved for drainage subject to the following comments:

Project Description

This is our first drainage review report to the Planning Board for this project. The project consists of a four lot subdivision of two existing lots in an R-15 zone at a property located on the east side Ehrhardt Road, at the end of Merritt Drive. There

This is the Drainage Consultant's third drainage review report to the Planning Board for this project; the last review was dated February 25, 2015. The project consists of a four lot subdivision of two existing lots in an R-15 zone at a property located on the east side Ehrhardt Road, at the end of Merritt Drive. There are four clay tennis courts, an office building, and a residential structure that are proposed to be removed in order to build four single family residential structures on the new building lots. Runoff flows downhill in a southeasterly direction towards the developed lots along Villa Drive. An existing driveway connecting Merritt Drive to Ehrhardt Road is proposed to be widened and regraded to serve as a private drive for the new residences. Three separate underground detention structures are proposed to mitigate against increases in stormwater runoff due to additional impervious areas.

The underground detention discharges to a swale along the east side of the property adjacent to the subdivision (tax lot 64.18-1-78.4), which is under the same ownership as the applicant. This swale then flows due south along existing off-site residential lots. There is a proposed drainage easement to construct the outfall from the detention basin to tax lot 64.18-1-78.4. The proposed drainage easement over tax lots 64.18-1-78.4 and 78.5 should be limited to one of the lots instead of straddling the property line.

Review of Additional Information

The revised drainage report extends the design points of interest to the swale east of the site and extends the study to approximately 200 feet downstream of the site. The drainage report indicates a reduction of peak discharges at these locations. The consultant has reviewed the drainage calculations and are in agreement that proposed stormwater detention can mitigate against potential significant adverse impacts with respect to stormwater runoff. The consultant will review the drainage report in more detail and issue specific comments if required at a later date.

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

- A review must be completed by the Rockland County Highway Department and any required permits obtained.
- As indicated in the February 5, 2015 letter from the Rockland County Health Department, an application must be made to them for review of the stormwater management system to ensure compliance with the County Mosquito Code.
- As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept and the plan to be filed.
- The map note for the proposed 27' wide ingress/egress easement for the private road over lots 3 and 5 refers to lots 1 and 2. It is not clear which lots are 1 and 2, as the plans are labeled as lots 5A, 5B, 3A and 3B. This must be clarified. This easement must also be provided in a covenant to the deed for each lot. A maintenance agreement shall also be provided so that it is clear who is responsible for the upkeep of the private road.
- The plans still illustrates a t-turnaround area at the northern end of the proposed private road, though the minutes from the August 10, 2015 meeting indicate that the applicant has proposed to remove this t-turnaround. What is the purpose for this turnaround area. Will the road be available for automobile use from Merritt Road through Ehrhardt Road, or will access to the private road be blocked at some point. These issues shall be clarified and appropriate language provided on the plans.
- 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. In any public water supply improvements are required, engineering plans and specification or these improvement shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article 11, Drinking Water Supplies of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.
- For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.

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Continuation of Condition #19.....

- 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.

- 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 Rockland County Department of Highways reviewed the plans and offered the following comments:

- The access point for this development should be specified as from Ehrhardt Road only.
- A Rockland County work permit is required for the proposed development and must be obtained prior to any construction on site.

21. 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.

22. The Rockland County Department of Health (RCDOH) reviewed the plan and offered the following comments:

- Application is to be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito Code.

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

24. The Town of Clarkstown Planning Board reviewed the information submitted and deeded the matter for local determination.

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

1) All roadways, turnarounds, etc....must provide a proper turning radius to accommodate a 55 foot long piece of fire apparatus with a wheelbase of 254 inches. Where private roadway meets Merritt Drive, there is a t-shaped turn around shown, if the private roadway terminates at Merritt Drive, then the turnaround must comply with Section FD103 of the New York State Fire Code and be shown in compliance on the site plan.

2) All roadways must be a minimum of 20 feet in width with vertical clearance of 13 feet, 6 inches, and able to support fire apparatus weighing up to 75,000 lbs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37. 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.

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

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

Dated: April 22, 2015

Cheryl Coopersmith, Chief Clerk Boards and Commissions Attachment



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SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Subdivision Plan Review

LOCATION: The site is located on Merritt Drive, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 64.18, Block 1, Lot 78 in the R-15 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

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