

**Meeting of June 25, 2014
Town of Orangetown Planning Board**

MEMBERS PRESENT: Kevin Garvey, Chairman;
John Foody; Michael Mandel; Bruce Bond; William Young and Thomas Warren

MEMBERS ABSENT: Robert Dell

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:

Pfizer Subdivision Plan **PB #14 - 29**
Final Subdivision Review **Final Approval**
68.08 / 1 / 1; LI & LIO zoning districts **Subject to Conditions**

Skae Training Conditional Use Permit **PB #14 - 30**
Conditional Use Permit Review **Conditional Use Permit**
Prepreliminary/ Preliminary/ Final **Granted Subject to Conditions**
and SEQRA Review **and Final Approval**
76.08 / 1 / 3 & 4; LIO zoning district **Subject to Conditions/ Neg. Dec.**

Continued Item from May 28, 2014 Meeting:

Orangetown Shopping Center Site Plan **PB #14 - 25**
Prepreliminary/ Preliminary Site Plan **Preliminary Site Plan**
and SEQRA Review **Approval Subject**
74.10 / 1 / 67; CS zoning district **to Conditions/ Neg. Dec.**

Hillside Commercial Park Site Plan **PB #14 - 27**
Discussion **Discussion Continued**
68.11 / 3 / 39 & 40; LI zoning district **to July 9th Meeting**

Other Business: The Board received a copy of the Walgreen's Traffic Study
prepared by the Board's Consultant, Dr. Collins of Maser Engineering, dated
June 24, 2014. The Board requested that Dr. Collins present the findings at the
applicant's next Board appearance.

A motion was made and moved to go into Executive Session for Settlement
Discussions with Route 304, LLC, Index No. 1322-2013 at 8:11 p.m. by
Bruce Bond and seconded by William Young and carried as follows: William
Young, aye; Kevin Garvey, aye, Thomas Warren, aye, Robert Dell, absent; Bruce
Bond, aye; Michael Mandel, recused and John Foody, aye.

A motion was made and moved to close the Executive Session 8:30 p.m. by
Bruce Bond and seconded by Thomas Warren and carried as follows:
William Young, aye; Kevin Garvey, aye, Thomas Warren, aye, Robert Dell,
absent; Bruce Bond, aye; Michael Mandel, recused and John Foody, aye.

A motion was made and moved to go into Executive Session for Settlement
Discussions with Route 304, LLC, Index No. 1322-2013 at 9:25 p.m. by
Bruce Bond and seconded by John Foody and carried as follows:
William Young, aye; Kevin Garvey, aye, Thomas Warren, aye, Robert Dell,
absent; Bruce Bond, aye; Michael Mandel, recused and John Foody, aye.

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A motion was made and moved to close the Executive Session at 9:37 p.m. by William Young and seconded by Thomas Warren and carried as follows: William Young, aye; Kevin Garvey, aye, Thomas Warren, aye, Robert Dell, absent; Bruce Bond, aye; Michael Mandel, recused and John Foody, aye.

The decisions of the June 11, 2014 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Thomas Warren and seconded by William Young and carried as follows: William Young, aye; Kevin Garvey, abstain, Thomas Warren, aye, Robert Dell, absent; Bruce Bond, aye; Michael Mandel, absent and John Foody, 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 William Young and seconded by Thomas Warren and agreed to by all in attendance. The meeting was adjourned at 9:45 p.m. The next Planning Board meeting is scheduled for July 9, 2014.

DATED: June 25, 2014
Cheryl Coopersmith
Chief Clerk Boards and Commissions



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PB #14-29: Pfizer Subdivision – Final Approval Subject to Conditions

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TO: Donn McMullen, 401 Middletown Road, Pearl River,
New York 10965
FROM: Orangetown Planning Board

RE: Pfizer Subdivision Plan: The application of Pfizer, Inc., applicant, for American Cyanamid Co. and Pfizer Inc. – HANY Talbert, owners, for Final Subdivision Plan Review, at a site known as “**Pfizer 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. 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.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, June 25, 2014**, the Board made the following determinations:

Donn McMullen, Brian Quinn and Kristen Solloway appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated June 18, 2014.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated June 25, 2014.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., June 19, 2014.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated June 18, 2014.
5. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 27, 2014.
6. Copies of letters to John Giardiello, Director, Town of Orangetown Office of Building, Zoning, Planning Administration and Enforcement, from Fuss & O’Neill, signed by Kristen Solloway, P.E., Associate dated May 21 and June 10, 2014.
7. A copy of a letter to the Town of Orangetown Bureau of Fire Prevention, from Fuss & O’Neill, signed by Kristen Solloway, P.E., Associate, dated May 21, 2014.
8. A copy of a letter to the Town of Orangetown Department of Environmental Management and Engineering, from Fuss & O’Neill, signed by Kristen Solloway, P.E., Associate, dated May 21, 2014.
9. A copy of a letter to the County of Rockland Department of Planning, from Fuss & O’Neill, signed by Kristen Solloway, P.E., Associate, dated May 21, 2014.
10. A copy of a letter to the County of Rockland Drainage Agency, from Fuss & O’Neill, signed by Kristen Solloway, P.E., Associate, dated May 21, 2014.
11. Copies of the following Board Decisions: ZBA #14-25, Floor Area Ratio, Rear Yard and Side Yard Variances Approved, dated April 16, 2014 and PB #14-12, Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec., dated February 26, 2014.

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12. Subdivision Plans, prepared by Fuss & O'Neill, dated January 2014, last revision dated May 21, 2014:

Lot 1 Subdivision

COV-001: Cover Sheet
RAD-001: 200' Radius Map
CS-001: Overall Site Plan
CS-002: Site Plan
CS-003: Circulation Easement Site Plan

IDX-001: Water & Sewer Index Sheet
CS-101: Drainage plan
CS-102: Drainage plan
CS-103: Drainage plan
CS-104: Drainage plan
CS-105: Drainage plan
CS-106: Drainage plan
CS-107: Drainage plan
CS-108: Drainage plan
CS-109: Drainage plan
CS-110: Drainage plan
CS-111: Drainage plan
CS-112: Drainage plan
CS-113: Drainage plan
CS-114: Drainage plan
CS-115: Drainage plan
CS-116: Drainage plan
CS-117: Drainage plan

IDX-002: Water & Sewer Index Sheet
CS-118: Sewer and Water Plan
CS-119: Sewer and Water Plan
CS-120: Sewer and Water Plan
CS-121: Sewer and Water Plan
CS-122: Sewer and Water Plan
CS-123: Sewer and Water Plan
CS-124: Sewer and Water Plan
CS-125: Sewer and Water Plan
CS-126: Sewer and Water Plan
CS-127: Sewer and Water Plan
CS-128: Sewer and Water Plan
CS-129: Sewer and Water Plan
CS-130: Sewer and Water Plan
CS-131: Sewer and Water Plan
CS-132: Sewer and Water Plan
CS-133: Sewer and Water Plan
CS-134: Sewer and Water Plan

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

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

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

1. The following note shall be placed on the Subdivision: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations
3. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ZBA #14-25, Floor Area Ratio, Rear Yard and Side Yard Variances Approved, dated April 16, 2014 and PB #14-12, Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec., dated February 26, 2014.
4. The cover sheet shall have the buildings labeled for reference purposes. In addition, the firehouse is not shown on the plans. Please clarify.
5. The Floor Area Ratio (F.A.R.) for Lot 1b shall be calculated and placed in the Zoning Bulk Table.
6. Any future change in use of the existing buildings shall seek Building Inspector determination to appear before the Town of Orangetown Planning Board for Site Plan approval.
7. The applicant shall contact the Town of Orangetown's pretreatment coordinator to see if the current industrial wastewater permit needs to be amended or a second permit added, to cover the second lot; i.e. one permit for Lot 1a and one for Lot 1b.

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8. The applicant's spreadsheet for all agreements/ permits filed with the Town of Orangetown, shall be modified to include all post construction stormwater maintenance agreements that have already been filed with the Rockland County Clerk's Office (i.e. for the north basin, Building 241, etc.). Also, a new post construction stormwater maintenance agreement for Reed Pond shall be prepared, submitted and subject to review and approval by DEME and the Town of Orangetown Town Attorney's Office and then filed, as part of this subdivision application.

9. All existing post construction stormwater facilities shall be labeled on the drawings, Reed Pond, North Basin, Building 241, etc.

10. Access easements on Lot 1a to benefit Lot 1b from Crooked Hill Road and North Middletown Road, shall be shown on the plans. All easements shall be subject to review and approval in substance and form by DEME and the town of Orangetown Town Attorney's Office.

11. Metes and bounds descriptions for all proposed easements shall be given on the plans.

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

- As required by the Rockland County Stream Control Act, Chapter 846, the Subdivision Map must be reviewed and approved by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.

13. Based on the information provided, the Rockland County Department of Health held that no department approvals are needed for this application.

14. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, the site has been determined to be within the jurisdiction of the RCDA. However, the current proposal is to subdivide the property without any construction/ land disturbance. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act is not requested. Pursuant to the Rockland County Stream Control Act, the subdivision map must be reviewed and approved by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.

15. The New York State Department of Transportation reviewed the information and held that the proposed subdivision will have no significant impact on the state transportation system.

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

- This property has both “City Water” hydrants and hydrants that are fed by the plant fire pump. How will these be maintained and by whom?
- Presently all fire alarm systems in all buildings other than Buildings 123 and 170 are reported to Pfizer guard headquarters. Any buildings that are not owned by Pfizer will require the connection of the fire alarm system to Rockland County 44 Control.
- Clarify who will be maintaining the site utility plan.
- Tenants must be able to directly dial E911 for emergencies; going through any plant switchboard, “etc...” is not acceptable.
- All buildings must be clearly marked with address numbers as per the Town of Orangetown Town Code.
- Individual tenants will be required to apply for and maintain a Certificate of Compliance Fire Safety with the Town of Orangetown Bureau of Fire Prevention.
- As the response capabilities of the Pfizer fire brigade continue to diminish, the Pearl River Fire Department will take over all fire related responses at the plant.

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

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

19. 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.

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20. TREE PROTECTION: The following note shall be placed on the Subdivision Plan:

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

- a. No construction equipment shall be parked under the tree canopy.
 - b. There will be no excavation or stockpiling of earth underneath the trees.
 - c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
 - d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.
- The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

21. All landscaping shown on the Subdivision 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.

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

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

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

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

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

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

The foregoing Resolution was made and moved by Bruce Bond and seconded by Thomas Warren and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, aye; William Young, aye; John Foody, aye; Robert Dell, absent 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: June 25, 2014

Cheryl Coopersmith

Chief Clerk Boards and Commissions



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**PB #14-30: Skae Training Center Conditional Use Permit
Granted and Final Approval Subject to Conditions/Neg. Dec.**

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

RE: Skae Training Conditional Use Permit: The application of Peter Skae, owner, (Donald Brenner, attorney for the owner), for a Conditional Use Permit Review, Prepreliminary/ Preliminary/ Final Review, at a site known to be known as “**Skae Training Conditional Use Permit**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 337 – 339 Blaisdell Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 76.08, Block 1, Lot 3 & 4 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, June 25, 2015**, at which time the Board made the following determination:

Donald Brenner and Sarah Torrens appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated June 18, 2014.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated June 25, 2014.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., June 19, 2014.
4. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated June 17, 2014.
5. Letters from the Rockland County Department of Health, signed by Scott McKane, dated June 5 and June 18, 2014.
6. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chairman, dated June 4, 2014.
7. Short Environmental Assessment Form signed by Catherine Skae, dated May 29, 2014.
8. A copy of Law No.2 of 2014 of the Town of Orangetown, Amending the Town Zoning Law to Add “Individual Fitness and Training Center” as a Conditional Use in the LIO Zoning District, dated April 11, 2014.
9. A copy of Town of Orangetown Chapter 43. Zoning, Article VIII, Section 8.1. General Conditions and Standards.
10. Planimetric Plan for Skae Training, prepared by Sparaco & Youngblood, PLLC, dated November 15, 2013, last revised May 7, 2014.

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The Board reviewed the Plan

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

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Bruce Bond and seconded by Thomas Warren and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, aye; William Young, aye; Robert Dell, absent; John Foody, 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 applicant and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, and having reviewed the proposed plan prepared by Sparaco & Youngblood, PLLC, dated November 15, 2013, last revised May 7, 2014, 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;

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- 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 Thomas Warren and carried as follows: Kevin Garvey, aye; Michael Mandel, aye; Bruce Bond, aye; Robert Dell, absent; John Foody, aye; William Young, aye; and Thomas Warren, aye, the Board made a Negative Declaration pursuant to SEQRA.

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

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

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In addition, the Approval is Subject to the Following Conditions:

1. The proposed subdivision of the property must be approved by the Town of Orangetown Planning Board prior to filing of the Conditional Use Permit.
2. A curb cut shall be placed at the most northern border of the parking lot in order to allow vehicular access to the site.
3. The interior building lights shall be turned off by 11:00 p.m. and the exterior outdoor lighting must be turned off by 10:00 p.m. For any additional outside lighting, i.e. the operation of the exercise/equipment fields and areas, the applicant must reappear at the Planning Board for review and approval of a Lighting Plan.
4. Please disclose if outdoor lighting is proposed. If so, then outdoor lighting for the outdoor fitness and training area has to be turned off by 10:00 p.m. The foot candle illumination and other reasonable regulations may be imposed by the Planning Board.
5. The applicant is prohibited from having a public address system and/or other amplified noise in connection with any outdoor use.
6. The Short Environmental Assessment Form item 5a. shall be answered "Yes", "by conditional use approval", and 5b shall be answered "NA". Also, the description of proposed action shall read "Conditional Use" and not "Special".
7. The Rockland County Department of Health reviewed the site plan for Conditional Use Permit and found that all necessary Health Department approvals have been obtained.
8. 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 Highways
 - Rockland County Department of Health

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

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

Dated: June 25, 2014
Cheryl Coopersmith
Chief Clerk Boards and Commissions
attachment



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

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

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

**NAME OF ACTION: Skae Training Center Conditional Use Permit
Granted and Final Approval Subject to Conditions/Neg. Dec.**

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

DESCRIPTION OF ACTION: Conditional Use Permit and Final Approval
Subject to Conditions/Neg. Dec.

LOCATION: The site is located at 337 – 339 Blaisdell Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 76.08, Block 1, Lot 3 & 4 in the LIO zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

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**TO: Paul Tepfer, Norman Dichiara Architects, P.E.,
102 Waller Avenue, White Plains, New York 10605**

FROM: Orangetown Planning Board

RE: Orangetown Shopping Center Site Plan: The application of John Cannon, Urstadt & Biddle Properties, Inc., owner, for a Prepreliminary/ Preliminary Site Plan Review, at a site known as "Orangetown Shopping Center 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 on the South side of Orangeburg Road, abutting Oak Street and Dutch Hill Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.10, Block 1, Lot 67 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 28 and June 25, 2014**, the Board made the following determinations:

May 28, 2014

Stephen Honan, Dennis Lynch, Bernard Adler, Douglas Reich and Paul Tepfer appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated May 21, 2014.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated May 28, 2014.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 21 & May 27, 2014.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated May 28, 2014.
5. A letters from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, Commissioner of Planning, dated May 28, 2014.
6. Letters from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated March 28, May 27, 2014.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 6, 2014.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, dated May 7, 2014, 2014.

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9. A copy of the Short Environmental Assessment Form, signed by Dennis Lynch dated April 25, 2014.
10. A Narrative Summary prepared by Atlantic Consulting & Engineering, LLC.
11. A copy of PB #13-07, Consultation, dated March 13, 2013.
12. A Traffic Impact Study, prepared by Adler Consulting, dated April 25, 2014, with an attachment of a letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated March 28, 2013.
13. Pylon Sign Plan prepared by Sign Design/JC Awning, dated November 2, 2013, last revised January 24, 2014:
 - Page 1: Detail Elevation
 - Page 2: Color Schedule Detail
14. Land Title Survey for Orangetown Shopping Center, prepared by First Order, LLC, dated November 28, 2011, last revised February 24, 2014, with an attachment of the Survey Certification, signed and sealed by Jack Shoemaker, Professional Land Surveyor.
15. Site Plans prepared by Atlantic Consulting & Engineering, LLC, dated February 27, 2013, revised April 25, 2014, unless noted:
 - SD-1.0: Overall Site Plan Preparation Plan
 - SD-2.0: Overall Layout Plan
 - SD-2.1: Layout Plan Enlargement
 - SD-2.2: Layout Plan Enlargement
 - SD-2.3: Layout Plan Enlargement
 - SD-2.4: Orangeburg Road Striping Plan, dated April 25, 2014
 - SD-3.0: Grading and Erosion Control Plan
 - SD-3.1: Grading and Drainage Plan Enlargement
 - SD-3.2: Grading and Drainage Plan Enlargement
 - SD-4.0: Planting Plan
 - SD-5.0: Site Details
 - SD-5.1: Site Details
 - SD-5.2: Site Details
 - SD-5.3: Site Details
 - SD-5.4: Concrete Sign Base (Foundation), dated April 25, 2014

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

Public Comment:

Helen Ucker, 7 Oak Street, Orangeburg; was in favor of removing the Oak Street access to the shopping center. Ms. Ucker raised concerns regarding cars speeding on Orangeburg Road and drainage impact to her property. She expressed concerns with the possibility of a fast food restaurant at the shopping center noting that there would be an increase in noise and air pollution.

The applicant requested a **CONTINUATION**.

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Stephen Honan, Bernard Adler, Douglas Reich and Steven Grogg appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated June 18, 2014.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated June 25, 2014.
3. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated June 25, 2014.
4. An Interdepartmental memorandum from the Highway Department, Town of Orangetown, signed by James J. Dean, Superintendent of Highways, dated June 19, 2014.
5. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated May 30, 2014.
6. A Supplemental Traffic Impact Study prepared by Adler Consulting dated June 10, 2014.
7. A revised Short Environmental Assessment Form, signed by Stephen M. Honan, Esq., dated June 11, 2014.
8. A Stormwater Management Report prepared by The Quill Group, dated April 23, 2014, revised June 9, 2014.
9. A letter from Atlantic Consulting & Engineering, LLC, dated June 11, 2014 with attachments of revised Site Plans prepared by Atlantic Consulting & Engineering, LLC, dated February 27, 2013, revised June 11, 2014:
 - SD-1.0: Overall Site Plan Preparation Plan
 - SD-2.1: Layout Plan Enlargement
 - SD-2.2: Layout Plan Enlargement
 - SD-2.3: Layout Plan Enlargement
 - SD-2.4: Orangeburg Road Striping Plan, dated April 25, 2014
 - SD-3.0: Grading and Erosion Control Plan
 - SD-3.1: Grading and Drainage Plan Enlargement
 - SD-3.2: Grading and Drainage Plan Enlargement
 - SD-3.3: S.E.S.C. Notes and Details, dated June 11, 2014
 - SD-4.0: Planting Plan
 - SD-5.0: Site Details
 - SD-5.1: Site Details
 - SD-5.2: Site Details
 - SD-5.3: Site Details
 - SD-5.4: Concrete Sign Base (Foundation), dated April 25, 2014

Public Comment:

Nancy Alexander, 16G Blue Hill Commons, Orangeburg: requested information regarding the proposed fast food restaurant. Ms. Alexander expressed her agreement with the closing of the entrance/exit on Oak Street.

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

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Bruce Bond and seconded by Thomas Warren and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, aye; William Young, aye; Robert Dell, absent; John Foody, 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 applicant, the applicant's professional representatives, namely Atlantic Consulting & Engineering, LLC, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, and having reviewed a proposed Site Plan by prepared by Atlantic Consulting & Engineering, LLC, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;

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- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

On motion by Bruce Bond and seconded by Thomas Warren and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, aye; Robert Dell, absent; John Foody, aye; William Young, 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 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 shows a "proposed pad" with a drive thru access. The Traffic Impact Study prepared by Adler Consulting dated April 25, 2014, describes a "2,500 square foot fast food restaurant with drive thru facility" as the proposed use. Please be advised a fast-food restaurant is not a use permitted by right in the CS zone district and would require a Use Variance by the Town of Orangetown Zoning Board of Appeals.

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4. Please be advised that certain conditions arise where the Zoning Code allows "fast-food restaurants" as a Conditional Use. Although fast-food restaurants are not allowed in a CS zone district by right or conditional use, the applicant shall be advised of the following requirements that would most likely be reviewed at in part when pursuing a Use Variance from the Zoning Board of Appeals.

- Location. No fast-food restaurant shall be located within 300 feet of any residential district or any lot line of a school, place of worship or any other fast-food restaurant.
- Traffic Impact. The Planning Board shall, in each individual case, consider the potential traffic impact of the proposed fast-food restaurant on the adjoining road system and on the parking areas affected. Where said Board determines that such traffic may have a significant, adverse impact, it may deny the application or it may require such reduction in scale or other modification of the size and nature of the proposed facility as, in the opinion of said Board, will be adequate to reduce the estimated impact to an acceptable level.
- Waste Material. All waste material shall be stored in rodent proof containers which shall be kept in a screened or enclosed location and shall be removed from the premises each day, with the exception of Sundays and holidays.
- Other Requirements. Establish any other additional standards, conditions and requirements, including a limitation on hours of operation, as it may deem necessary or appropriate to promote the public health, safety and welfare.

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

- The required Front Yard Setback is 0 or 45 feet and 14'-6" is proposed.
- The Zoning Bulk Table shall include the total buildings square footage (existing and proposed), total floor area ratio (FAR) and height of the proposed building. Therefore, the total number of variances listed above may not reflect the total number of variances required.

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6. A variance for maximum signage area will be required in addition to the setback requirement as follows: The Total Sign Area for the entire shopping center needs to be calculated and added to the Site Plan. The free standing sign will require a Setback Variance from the Zoning Board of Appeals since 75 feet is required and 7'-6" is proposed. (Chapter 43, Section 4.23(c)). In addition, determine if the proposed sign is within 500 feet of the Palisades Interstate Parkway, which it appears to be on the Tax Map. Permission from the Palisades Interstate Park Commission is required. (Chapter 43, Section 4.24).

7. A Lighting Plan shall be submitted for review and approval.

8. The Site Plans and Building Plan shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.

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

10. The Town of Orangetown Highway Department offered the following comments:

- The proposed sidewalk along Orangeburg Road must be extended to connect to Oak Street.
- Any reference to the removal of the existing bus stop, as listed on Page 7 of the Atlantic Consulting & Engineering, LLC letter dated June 11, 2014 must be denied.

11. The stormwater management report that was provided is under review by DEME.

12. DEME had had previously raised concerns about the proposed left hand turns into the site, from Orangeburg Road, heading west into the site. The applicant, in coordination with the Rockland County Highway Department, has proposed a separate left turn land. The traffic study proposed is under review by DEME.

13. The soil erosion and sediment control plans and details are under review by DEME. However, the erosion control plans and details shall be modified to reflect a "stone-filter" system around the proposed catch basin. A detail for same shall be provided.

14. The applicant has stated that the proposed use for the new building MAY be a restaurant/ fast foot business. If this is the case, the applicant is advised that the Town of Orangetown has a F.O.G. (Fat, Oil and Grease) program, which must be complied with. The applicant shall contact the Town's F.O.G. Coordinator to determine if this criteria is applicable.

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15. The proposed sanitary building connection shall be shown on the plan.

16. The Stormwater Management Report dated April 23, 2014 shall show by calculation and mapping, all proposed land development activity associated with this project. The applicant's engineer indicated at the June 18, 2014 Project Review Committee Meeting that he did not include the proposed deceleration/ right hand turning lane off of Orangeburg Road East – Item #5, drawing SD-2.0, in the reports *Proposed Post-Development Conditions* – calculations of Proposed Land Disturbances (page #3 of the report). Since this is part of the land development activity for this project, this area must be included in the aforementioned calculations. (See Town Code 30D-6).

Also it is unclear from the report if the filling of the proposed driveway, item #2, drawing #SD-2.0, was included in the total area of disturbance calculation. If not, this also must be included in the calculations. If the total area of disturbance is equal to or greater than one (1) acre, a proper SWPPP will need to be provided, in accordance with Town Code 30D-8 B(3) and C, the New York State Stormwater Management Design Manual, and the New York State Permit for Construction Activities – GP-0-10-001 (See 40 CFR Parts 122.26(b)(14)(x), 122.26(b)(15)(i) and 122.26(b)(15)(ii) and Article 17, Titles 7, 8 and Article 70 of the New York Environmental Conservation Law).

17. Drainage Review Recommendation

The Drainage Consultant to the Planning Board, Brooker Engineering, reviewed the information and plans submitted and held that the application reduces stormwater runoff from the site and therefore recommends that the Orangeburg Shopping Center Site Plan be approved for drainage subject to the following project comments.

Project Description

This is the drainage consultant's second drainage review report to the Planning Board for this project. The site is located at the southeast corner of the intersection of Orangeburg Road and Dutch Hill Road. A new building is proposed at the northern parking area of the site, which is all impervious. A new entrance to Orangeburg Road is proposed east of the new building along with a deceleration lane along the south side of Orangeburg Road. The existing asphalt road to Oak Street is proposed to be removed. The parking in front (west) of the eastern existing building is proposed to be reconfigured; it is not clear if any change in grading is proposed. The disturbance is 41,681 square feet and a net reduction of 800 square feet of impervious area is proposed.

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Continuation of Condition #17.....

Review of Additional Information

Many of the consultant's previous comments have been addressed. Land disturbance is greater than one acre; therefore a SWPPP is required and will be provided under separate cover. The asphalt drive is being removed rather than installing topsoil over the existing pavement. An updated drainage report shall be provided with the calculations for the pavement reduction clearly demonstrated. Calculations supporting the size of the water quality device shall be provided in the updated drainage report.

Project Comments

1. The Site Plans shall clearly show all drainage structures on the site, with pipe invert in and out elevations. The flow pattern shall be verified; it is not clear if stormwater runoff for the north portion of the site flows northeast around Existing Building 1 and stormwater runoff on the west side of Existing Building 1 flows southwest around Existing Building 1. While the overall redevelopment results in a reduction of impervious area and stormwater runoff, it shall be verified that stormwater runoff is not being diverted within the site and thereby increasing runoff at a particular design point of interest. The applicant has indicated the new drainage report will address this comment.
2. The proposed grading in the parking lot south of the Proposed Pad has been adjusted to eliminate the swale in the middle of the parking lot. However, it is recommended that the applicant investigate the proposed location of snow stockpiling. The Drainage Consultant is concerned of a "black ice" situation occurring over this long run across the parking lot with limited drainage structures. Additionally the grading in the southeast corner of the parking lot shows spot grades of 180.1 and 180.2 with a 180 contour in between the two spot grades. This grading shall be revised.
3. Calculations shall be provided that demonstrate the on-site drainage system has capacity to receive diverted runoff from Orangeburg Road to the site.
4. The proposed gutterline on Orangeburg Road has shifted from between traffic lanes to the curblin for the majority of the new lane. However the 180 contour shows runoff being directed back to the middle of the road, and away from the proposed drainage structure that was added to intercept runoff before it crosses the new intersection. It is recommended that the grading in this area be modified to keep the gutterline closer to the new intersection and shift the catch basin east to intercept more of the runoff prior to crossing the intersection. The outlet pipe for the new catch basin on Orangeburg Road (with a rim of 178.6) shall be added to the plan.

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5. The proposed contours along the deceleration lane shall tie into existing grade.
6. The proposed pad shall show a proposed first floor elevation of a potential building.

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

1. An updated review must be completed by the County of Rockland Department of Highways and all required permits obtained. This review must include an analysis of the Traffic Impact Study provided with the application. In addition, the conditions in the March 28, 2014 letter must be met.
2. The conditions in the May 6, 2014 letter from the Rockland County Department of Health must be met.
3. The narrative, application, and Short Environmental Assessment Form (EAF) indicate that the property is 10.98 acres. However, the Overall Layout Plan indicates that the lot is 10.59 acres. The lot area must be consistent on all documents.
4. The EAF indicates that the total acreage to be physically disturbed is 2,500 square feet. This is only the square footage for the proposed building, and does not account for the other disturbed areas on the site, which encompasses a much larger area, as can be seen on the grading and erosion control plan. Since a new access, parking area, retaining walls, and closure of the existing entrance will also disturb the site; the site area to be physically disturbed must include all components of the proposed site improvements. A more accurate square footage must be provided for the site disturbance.
5. The proposed pylon sign must conform to the Town's sign standards, in both size and setback. As proposed, the new sign does not conform to the Town's standards for size or location. The sign must be reduced in size, and relocated further from the lot line so that no variances will be required. A set back of only 7'6" is not sufficient. It must be set back at least a distance equal to its height, so that it cannot fall within the County right of way.

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Continuation of Condition #18...

6. Drawing SD-2.2, just east of the new entrance, has labels that seem to be contradictory. The labels state that the "existing walk to remain" but then also states the "existing walk to be removed." This is also the case for the existing pavement – the labels state that it is to remain and be removed. These labels must be clarified and the appropriate one removed.
7. The landscaping plan must be further supplemented to provide low evergreen landscaping in front of the drive-thru access prior to the retaining wall, so that headlights do not shine into the County right of way.
8. A lighting plan must be provided that shows fields of illumination. No lighting shall shine into the County right of way.
9. Areas dedicated for snow piles must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the landscaping from being broken from the weight of the snow and from causing salt intrusion to the plans.

19. The Rockland County Department of Highway reviewed the submitted information and traffic impact study, and offered the following remarks for consideration:

1. The zero net increase in the peak rate of discharge for storm sewer from all design points within this project shall be demonstrated.
2. While the Highway Department would favor a design that would provide a maximum available parking, it remands the decision of parking issues to the Town's determination.
3. The Rockland County Department of Highways conditionally agrees to a new access from Orangeburg Road for the shopping center to be constructed predicated upon closing the existing Oak Street access. The Department would allow the left turn entry but not left turn exit onto west bound Orangeburg Road.
4. Existing bus-stop on the eastbound of Orangeburg Road shall be shown to be removed.
5. The proposed relocated sign appears to be too close and over-sized for the county road.
6. It is the Department's policy that all parking be contained on site in accordance with the current Town Zoning Code. All required parking shall be provided to be adequate for its type of use.
7. A Rockland County Highway Department Work Permit will be required for the proposed development prior to any construction on site.
8. Separate additional Rockland County Road Opening Permit will be required for any sewer or utility connections that will involve disruption to the paved surface within any county road.

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20. The Rockland County Department of Highway had the following additional comments:

- The applicant should provide an updated traffic statement that would indicate vehicular circulation improvement around the impacted area to reflect the proposed intersection alignment, traffic counts and turning movements.
- The grading, drainage and resurfacing work along with all pertinent details affecting the same should be shown on the drawings. The design work should conform to the latest NYSDOT standards, Highway Design Manual and AASHTO standards.
- The new proposed pylon sign appears to be too big and too close to Orangeburg Road that may distract the attention of the motorists and affect the character of the surrounding area.

21. The Rockland County Department of Health reviewed and found that the proposed water and sanitary service to the pad site shall be shown on the plan. In addition, application is to be made to the Rockland County Department of Health for review of the stormwater management system for compliance with the County Mosquito Code.

22. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
- Rockland County Department of Health
- Town of Orangetown Zoning Board of Appeals

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

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

25. 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.

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

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Continuation of Condition #26...

- 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.

27. 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.

28. 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.

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

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**PB #14-26: Orangetown Shopping Center Site Plan: Preliminary Site Plan
Approval Subject to Conditions/ Neg. Dec.**

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30. 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).

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

32. 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

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

The foregoing Resolution was made and moved by Bruce Bond and seconded by William Young and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Michael Mandel, aye; William Young, aye; John Foody, aye; Robert Dell, absent 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: June 25, 2014
Cheryl Coopersmith
Chief Clerk Boards and Commissions
attachment



TOWN OF ORANGETOWN
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TOWN CLERKS OFFICE

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

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

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

NAME OF ACTION: Orangetown Shopping Center Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

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

DESCRIPTION OF ACTION: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

LOCATION: The site is located on the South side of Orangeburg Road, abutting Oak Street and Dutch Hill Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.10, Block 1, Lot 67 in the 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 development. The proposed action is consistent with the Town of Orangetown's Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

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

For Further Information contact:

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

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

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