

**Meeting of May 13, 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:

Walgreens Resubdivision Plan	PB #15-21
Final Resubdivision Plan Review	Final Approval
77.15/1/24 & 25; Route 303 Overlay Zone and CS & CO zoning districts	Subject to Conditions

Walgreens Site Plan	PB #15-22
Final Site Plan Review	Final Site Plan
77.15/1/24 & 25; Route 303 Overlay Zone and CS & CO zoning districts	Approval Subject to Conditions

Postponed Item from the April 8, 2015 Meeting:

The Shops at Orangeburg Commons Site Plan	PB #15-17
Prepreliminary/ Preliminary Site Plan and SEQRA Review	Preliminary Site Plan Approval
74.15/1/22; LI zoning district	Subject to Conditions/ Reaffirmation of Neg. Dec.

The Shops at Orangeburg Commons Commercial Subdivision Plan	PB #15-23
Prepreliminary/ Preliminary/ Final Interior Commercial Subdivision and SEQRA Review	Final Approval
74.15/1/22; LI zoning district	Subject to Conditions Neg. Dec.

Orangeburg Commons Site Plan Amendment	PB #15-18
Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review	Preliminary Site Plan Amendment Subject to Conditions
74.15/1/21; Route 303 Overlay Zone	and LI zoning district Reaffirmation of Neg. Dec.

Other Business:

1. The Planning Board recommended the proposed change to the Town Zoning Law, changing the zoning classification from "LO" to "R-40" for two parcels in Blauvelt (65.18-1-10 and 65.18-1-14). In addition, the Planning Board consented to the Town Board as Lead Agency for this application.

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2. 155 Corporate Drive Site Plan (73.15-1-18) – The Board reviewed and approved plans noting the location of proposed site sidewalks.

3. The Hollows at Blue Hill Recreational Area (73.05-1-53.2) – It was brought to the attention of the Board that during the Planning Process, ACABOR review was waived. However, the Board retained continued over site of the landscaping as conditioned in PB#14-20 - #44 and PB #13-02 - #47:

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

The Board determined that at this time, the applicant needs to submit a Landscaping Plan to the Architecture and Community Appearance Board of Review for review and approval.

The decisions of the April 22, 2015 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel and seconded by William Young 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 Stephen Sweeney and seconded by Bruce Bond and agreed to by all in attendance. The meeting was adjourned at 8:30 p.m. The next Planning Board meeting is scheduled for May 27, 2015.

**DATED: May 13, 2015
Cheryl Coopersmith
Chief Clerk Boards and Commissions**



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PB# 14-46: Walgreens Resubdivision Plan – Final Approval Subject to Conditions

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TO: Antimo Del Vecchio, Beattie Padovano, 50 Chestnut Ridge Road,
Suite 208, Montvale, New Jersey 07645

FROM: Orangetown Planning Board

RE: Walgreens Resubdivision Plan: The application Landmark Tappan, LLC, applicant for Super Power, Inc. and Thomas Jones and Michael Hydes, owners, (Antimo Del Vecchio, attorney for the applicant) for Final Resubdivision Plan Review, at a site to be known as **“Walgreens Resubdivision Plan”**, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 81 Route 303, in the Route 303 Overlay Zone, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.15, Block 1, Lot 24 & 25 in the CS & CO zoning districts.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 13, 2015**, the Board made the following determinations:

Antimo Del Vecchio and Robert Freud appeared and testified

The Board received the following communications:

1. A Project Review Committee Report dated May 6, 2015.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, dated May 13, 2015, signed by John Giardiello, P.E., Director.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated May 6, 2015, signed by Bruce Peters, P.E.
4. A letter from Rockland County Department of Planning, signed by Douglas J. Schuetz, Acting Commissioner of Planning, dated May 7, 2015.
5. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated April 13, 2015.
6. Subdivision Plan prepared by Dynamic Engineering Consulting, PC. dated September 2, 2014, last revision date of April 6, 2015.
7. A letter from Dynamic Engineering from Robert P. Freud, PE, PP, dated April 7, 2015.
8. A copy of PB#14-46, Preliminary Approval Subject to Conditions/ Neg. Dec. dated February 11, 2015.

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 Thomas Warren and second by William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye.

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DECISION: In view of the foregoing and the testimony before the Board, the application was granted a **FINAL RESUBDIVISION PLAN APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:**

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

2. The following note shall be placed on the Resubdivision Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

3. The Monumentation along Oak Tree Road, at proposed 465 SF R.O.W. dedication, is incomplete. Monuments shall be drawn at the new property/ Right of Way corners. Concrete monuments are not required for the "old" Right of Way line, along Oak Tree Road that is being widened.

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

- A review shall be completed by the New York State Department of Transportation and all required permits obtained.
- Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages, and County with an adequate supply of water. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.
- A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- Pursuant to the Rockland County Stream Control Act, the subdivision map must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk will accept the plan for filing.

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5. Rockland County Department of Health reviewed the Subdivision Plan and found that approval for the stormwater management system has been obtained and there are no other approvals needed for this application.

6. 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.

7. The applicant shall comply with all pertinent and applicable conditions of previous Board decision: PB#14-46, Preliminary Approval Subject to Conditions/ Neg. Dec. dated February 11, 2015.

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

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

10. 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.

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

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

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Continuation of Condition #11...

- 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.

12. 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.

13. 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.

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

15. 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).

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

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

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

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

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

Dated: May 13, 2015

Cheryl Coopersmith

Chief Clerk Boards and Commissions



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TO: Antimo Del Vecchio, Beattie Padovano, 50 Chestnut Ridge Road,
Suite 208, Montvale, New Jersey 07645
FROM: Orangetown Planning Board

RE: Walgreens Site Plan: The application Landmark Tappan, LLC, applicant for Super Power, Inc. owner, (Antimo Del Vecchio, attorney for the applicant) for Final Site Plan Review, at a site to be known as **"Walgreens Site Plan"**, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 81 Route 303, in the Route 303 Overlay Zone, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.15, Block 1, Lot 24 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, May 13, 2015** the Board made the following determinations:

Antimo Del Vecchio and Robert Freud appeared and testified

The Board received the following communications:

1. A Project Review Committee Report dated May 6, 2015.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, dated May 13, 2015, signed by John Giardiello, P.E., Director.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated May 7, 2015, signed by Bruce Peters, P.E.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated May 13, 2015.
5. A letter from Rockland County Department of Planning, signed by Douglas J. Schuetz, Acting Commissioner of Planning, dated May 7, 2015.
6. A letter from Rockland County Department of Highways signed by Sonny Lin, P.E., dated May 7, 2015.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated April 13, 2015.
8. Copies of ACABOR #15-16, dated April 2, 2015 and ACABOR Other Business, dated April 16, 2015, ZBA #15-24, Variances Approved for Parking, Signage and Route 303 Over Lay Zone, dated March 18, 2015 and PB#14-24, Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec. dated February 11, 2015.

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9. A letter from Dynamic Engineering from Robert P. Freud, PE, PP, dated April 7, 2015.
10. A copy of the Stormwater Pollution Prevention Plan for Landmark Tappan, LLC, prepared by Dynamic Engineering, dated September 2013, revised January 2015.
11. A copy of the Drainage Report for Landmark Tappan, LLC, prepared by Dynamic Engineering, dated December 2013, revised January 2015.
12. Architectural Plans prepared by Dietz Partnership, dated February 26, 2014, last revised April 6, 2015:
 - A-1: Floor Plans
 - A-2: Elevations
13. Site Plans prepared by Dynamic Engineering Consulting, PC. dated December 18, 2013, last revision date of April 6, 2015:
 - Sheet 1 of 15: Cover Sheet
 - Sheet 2 of 15: Aerial Map
 - Sheet 3 of 15: Overall Site Plan
 - Sheet 4 of 15: Demolition Plan
 - Sheet 5 of 15: Site Plan
 - Sheet 6 of 15: Grading and Drainage Plan
 - Sheet 7 of 15: Drainage and Utility Plan
 - Sheet 8 of 15: Landscape Plan
 - Sheet 9 of 15: Lighting Plan
 - Sheet 10 of 15: Soil Erosion and Sediment Control Plan
 - Sheet 11 of 15: Construction Detail
 - Sheet 12 of 15: Construction Detail
 - Sheet 13 of 15: Construction Detail
 - Sheet 14 of 15: Construction Detail
 - Sheet 15 of 15: Vehicle Circulation Plan
 - Sheet 1 of 1: Subdivision Plat

The Board reviewed the plan.

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 Thomas Warren and second by William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, 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 Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The revised SWPPP and drainage calculations are under review. With regard to the letter of April 7, 2015 from Dynamic Engineering, item #9, this explanation needs to be added to the SWPPP. Also, as spelled out in the NYSDEC-SMDM, section 9.3.1, paragraph 1 - "...a SWPPP must clearly identify and document the design difficulties that meet redevelopment application criteria and provide documented justification for the use of proposed alternative approaches..." The drainage calculations shall include a table comparing and contrasting pre and post construction design flows, for the various storms analyzed in the drainage calculations. An in depth formal review of the SWPPP shall be sent to the applicant's engineer under separate cover.
4. A post construction stormwater maintenance agreement (PCSMA), in accordance with NYSDEC Phase II regulations and Town of Orangetown Town Code, for the proposed stormwater system(s) shall be submitted to DEME and the Town Attorney's Office for review and approval. Said agreement shall include a maintenance and management schedule inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc.
5. With respect to Dynamic Engineering's letter of April 7, 2015, item #14, it is understood that the existing pavement and curb is to be removed up to the common property line with lot #41, however, the existing curbing needs to be shown as being removed. Also, once the curbing has been removed, how is the new "landscape area" going to be contained along the common property line with lot #41? What will prevent the material in the new "landscaped area" from running onto lot #41 every time it rains?
6. The "hatching" symbol for the proposed road widening along Oak Tree Road shall be removed from all of the drawings except drawing #3.

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7. Copies of all correspondence, including any and all approvals, with the New York State Department of Environmental Conservation, New York State Department of Transportation, Rockland County Department of Health, etc., in connection with this proposed Site Plan, which shall be supplied to the Planning Board and to DEME, **prior to signing the map.**

8. The scale on drawing #3 is incorrect. It is labeled as 1"=20 feet, but it scales out as 1"=30 feet. This shall be corrected.

9. The Monumentation along Oak Tree Road, at proposed 465 Right of Way dedication, is incomplete. Monuments shall be drawn at the new property/ Right of Way corners. Concrete monuments are not required for the "old" Right of Way line, along Oak Tree Road, that is being widened.

10. The application has provided sufficient drainage design to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated. The Board's Drainage Consultant, Brooker Engineer, recommends that the Walgreens Site Plan be approved for drainage subject to the following project comments.

This is the fourth drainage review report to the Planning Board for this project; the last review was dated January 27, 2015. The site is located at the southeast corner of the intersection of Route 303 and Oak Tree Road. A 10,088 SF Walgreens Pharmacy is proposed and an increase in impervious area of 5,828 square feet will result after construction of the site improvements. The site is mostly developed; a wooded area along the east property line is to remain. Stormwater runoff flows west towards Route 303 and north towards Oak Tree Road. A stormwater management system consisting of a Contech Stormfilter to address water quality concerns and an underground detention system are provided to mitigate against increases in stormwater runoff. The project addresses NYSDEC criteria for redeveloped sites.

Project Comments

1. The Outlet Structure Detail on Drawing 11 shows an inside height of six feet; there is not enough clearance from proposed finished grade to allow this height. The detail shall be modified.
2. Provide invert, rim, and minimum finished grade elevations on the Rain Tank Details on Drawing 14.
3. Some pages on the drainage report are duplicated and some are missing as per those listed in the Table of Contents (i.e. the 100-Year Summary report and Hydrograph Report on pages 80-8, the 100-Year Reservoir, Underground Basin on Page 89). Please reprint the report to include all listed information. The report shall also include the schematic for subbasin additions and routings. Correlate the subbareas used in the hydrologic model to the subbareas shown on the Existing and Proposed Drainage Maps. Include stage versus discharge and stage versus storage information required for the routings in the drainage report.

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

- A review shall be completed by the New York State Department of Transportation and all required permits obtained.
- Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages, and County with an adequate supply of water. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.
- A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- Pursuant to the Rockland County Stream Control Act, the subdivision map must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk will accept the plan for filing.

12. A work permit will not be required from the Rockland County Department of Highways. The proposed layout will have minimum impact on the county roads in the vicinity of this development.

13. Rockland County Department of Health reviewed the Subdivision Plan and found that approval for the stormwater management system has been obtained and there are no other approvals needed for this application.

14. The applicant shall comply with all pertinent and applicable conditions of previous Board decisions: ACABOR #15-16, dated April 2, 2015 and ACABOR Other Business, dated April 16, 2015, ZBA #15-24, Variances Approved for Parking, Signage and Route 303 Over Lay Zone, dated March 18, 2015 and PB#14-24, Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec. dated February 11, 2015.

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

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16. The Town of Orangetown Fire Prevention Bureau (Bureau) had the following comments:

- Install and maintain an NFPA 72 compliant Fire Alarm System; connected to Rockland County 44-Control, with amber strobe as per Town of Orangetown Town Code.
- Provide plans for the required Fire Alarm System to the Bureau for approval before work begins.
- Install and maintain portable fire extinguishers as required by NFPA 10.
- Provide Emergency Lighting as per NEC.
- Provide parking bollards to prevent vehicle damage to the building wherever "pull in parking" is shown on the Site Plan.
- Show "No Parking/Fire Zones" on Final Approved Site Plan. Maintain striping and signage for same Fire Zones.
- Apply for and maintain a Certificate of Compliance Fire Safety with the Town of Orangetown Bureau of Fire Prevention.

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

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

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

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

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Continuation of Condition #20...

- 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 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.

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.

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

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Continuation of Condition #24...

recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEMA, 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 DEMA with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications

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

The foregoing Resolution was made and moved by Thomas Warren and seconded by William Young and carried as follows: Kevin Garvey, aye, Bruce Bond, aye; William Young, aye; Thomas Warren, aye; Stephen Sweeney, aye. Robert Dell, nay and Michael Mandel, nay: (Mandel - location poses dangerous condition with vehicles entering on 303 in conjunction with turn lane as well as on Oak Tree Road entrance and exit to the east and west with Lexington Road).

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: May 13, 2015

Cheryl Coopersmith
Chief Clerk Boards and Commissions



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TO: Geraldine Tortorella, Hocherman, Tortorella & Wekstein,
1 North Broadway, Suite 701, White Plains, New York 10601
FROM: Orangetown Planning Board

RE: **The Shops at Orangeburg Commons Site Plan:** The application of FB Greenbush LLC c/o RD Management LLC, applicant, for Tom Graff, owner, (Hocherman Tortorella & Wekstein, LLP, attorneys for the applicant), for Prepreliminary/ Preliminary Site Plan Review, at a site to be known as "**The Shops at Orangeburg Commons Site**"; 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 Orangetown and reaffirm the determination of the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 2 Greenbush Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map: Section 74.15, Block 1, Lot 22; LI zoning district;

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 13, 2015**, the Board made the following determinations:

Geraldine Tortorella, Justin Lim, Nathaniel Burns and Alfred Rossi appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated May 6, 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 May 13, 2015.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 6, 2015.
4. Letters from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated April 6 & May 13, 2015.
5. Letters from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated April 2, 2015 and Arleen Miller, Deputy Commissioner, dated March 31, 2015.
6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated April 2, 2015.
7. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 11, 2015.
8. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated May 8, 2015.
9. a letter from the Town of Orangetown Zoning Board of Appeals, signed by Tom Sullivan, Chairman, dated March 4, 2015.

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10. A letter from Hocherman Tortorella & Wekstein, LLP, signed by Geraldine Tortorella dated February 27, 2015.
11. A letter from Hocherman Tortorella & Wekstein, LLP, signed by Adam Wekstein dated April 2, 2015.
12. A letter from Hocherman Tortorella & Wekstein, LLP, signed by Geraldine Tortorella dated April 20, 2015.
13. Copy of the Town of Orangetown Regular Town Board Meeting February 10, 2013, Resolution No. 72. Lead Agency / Orangeburg Commons; No. 73. Negative Declaration, No. 74 approved Mixed Use Expansion Special Permit.
14. Copy of the Environmental Assessment Form, Part 1 – Project and Setting, dated November 21, 2014, signed by Alfred Rossi, P.E., with attachments.
15. Plans prepared by Leonard Jackson Associates, dated November 20, 2014, revised November 17, 2015; unless noted:
 - Drawing 1 of 12: Title Sheet
 - Drawing 2 of 12: Overall Site Plan & Commercial Subdivision Plan
 - Drawing 2A of 12: Layout “Part Plan” & Commercial Subdivision Plan
 - Drawing 3 of 12: Overall grading, Drainage & Utility Plan
 - Drawing 3A of 12: Grading, Drainage & Utility Plan “Part Plan”
 - Drawing 4 of 12: Erosion Control Plan
 - Drawing 5 of 12: Landscaping Plan
 - Drawing 6 of 12: Lighting Plan
 - Drawing 7 of 12: Construction Details (1 of 3), dated Nov. 20, 2014
 - Drawing 8 of 12: Construction Details (2 of 3), revised February 27, 2015
 - Drawing 9 of 12: Construction Details (3 of 3), revised February 27, 2015
 - Drawing 10 of 12: Storm and Sanitary Profiles
 - Drawing 11 of 12: Typical Site Cap Sections, dated Nov. 20, 2014
 - Drawing 12 of 12: Site Cap Plan, dated Nov. 20, 2014
16. Existing Condition Survey prepared by Jay Greenwell, PLS, LLC, dated October 23, 2014, revised November 5, 2014:
 - Sheet 2 of 3: Existing Condition
 - Sheet 3 of 3: Existing Condition
17. Building elevations prepared by Murray Jay Millar Architecture, unsigned and unsealed, dated July 2014.
18. Submitted at the meeting drawing 2A, Site Plan prepared by Leonard Jackson Associates, revised May 13, 2015.
19. A copy of Town Board Resolutions # 70 through # 77, Mixed Use Expansion Special Permit, dated February 10, 2015.

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

REAFFIRMATION OF THE NEGATIVE DECLARATION

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 Leonard Jackson Associates and the Town of Orangetown's engineering 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 Planning and Town of Orangetown Zoning Board of Appeals, and having reviewed the proposed Site Plans by prepared by Leonard Jackson Associates, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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

DECISION: In view of the foregoing and the testimony before the Board, the application was **granted 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

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3. The applicant shall provide a plan showing lease lines for the Orangeburg Commons Development as they relate to the new mixed use expansion, specifically what common parking spaces will be designated for the mixed use expansion units. (50 parking spaces for restaurant and 67 parking spaces for retail).
4. With the proposed mixed use expansion will some or all of the banked parking spaces be utilized at this time? Please explain.
5. Please show the location of the loading berths for the Shops at Orangeburg Commons. The exterior loading berths will need to be approved by the Planning Board.
6. The Site Plan shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
7. Place a sign at the end of the one way exit onto Greenbush Road that indicates "No Left Turn."
8. The removal of trees on the property shall be indicated by placing an "X" on the trees to be removed.
9. The "existing monument sign" shows eight (8) tenants and the commercial subdivision proposes up to eleven (11). Please clarify or correct.
10. A note shall be placed on the Site Plan stating "up to 5,000 square feet of the total area of 18,304 square feet of the mixed use expansion building can be used as a restaurant(s)."
11. The Full Environmental Assessment Form appears to be in order.
12. Five (5) parking spaces to be land banked shall be noted on the Site Plan.
13. The Board found the drawing 2A, prepared by Leonard Jackson Associates, revised May 13, 2015 acceptable, as submitted at the meeting.
14. The right of way line between the CSX property and the Town property along the cul-de-sac (Greenbush Road) shall be depicted on all the drawings. Currently the plans seem to show the Town owned property and the CSX property just merging/ running into each other.
15. The sanitary calculations that were submitted are under review by DEME.
16. An amendment to the existing SWPPP for the Orangeburg Commons Site shall be submitted to DEME. The included calculations shall determine as to whether the existing stormwater detention basin will be capable of handling the additional volume of flow from the proposed additional impervious contributing

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Continuation of Condition #16...

area. Also, the SWPPP shall demonstrate how stormwater quality issues, necessitated by the new area of disturbance shall be mitigated. The SWPPP must be designed in accordance with the new "New York State Stormwater Management Design Manual" (last updated January 2015), not the 2010 manual as stated in the Drainage Report.

17. The applicant shall demonstrate the legal ability of the Orangeburg Commons site to allow/ accept both sanitary and stormwater flows from an adjacent, separately owned site, onto and through their PRIVATE sanitary and stormwater facilities (i.e. the proposal is not part of the Orangeburg Commons site, it is a separate tax lot which theoretically be sold at any point.) This will most likely require cross easement on both properties to convey and treat the stormwater runoff and convey the proposed sanitary flows. Orangeburg Commons owners will most likely have to update their private Sewage Disposal Corporation in order to accept sanitary flows on an offsite/ separately owned parcel. This will need to be approved by DEMA, the Rockland County Department of Health and the Town of Orangetown Office of the Town Attorney. In so far as stormwater is concerned, the applicant will need to provide documentation that the NYSDEC allows stormwater from one site to be treated and controlled on another site. DEMA requires that a letter from the NYSDEC be provided giving EXPLICIT consent for the Orangeburg Commons property owners to treat and control stormwater runoff from this site, to be "handled" on their site. DEMA can find no explicit or implicit approval of such a situation in either the Orangetown Town Code, the NYSDEC Stormwater Design Manual or the NYSDEC General Permit for construction activities GP-o-15-002.

18. An updated/ amended traffic study shall be prepared and submitted for this application. The "Orangeburg Commons-Post Development Study" letter and supporting appendices that was submitted as part of this application is dated February 14, 2014. This update does not include the current proposal and the vehicular traffic/ trips that will be generated by its construction.

19. The Drainage Consultant to the Planning Board, Brooker Engineering, reviewed the plans and submitted information and found the following: The application has provided sufficient information to demonstrate that the existing stormwater management basin can be modified to mitigate against increases to peak stormwater runoff rates as a result of the project, and therefore recommends that the Shops at Orangeburg Commons be approved for drainage subject to the following Project Comments.

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Continuation of Condition #19...

This is the second drainage review report for this project; the last report was dated April 6, 2015. The project consists of the redevelopment of the site at tax lot 74.15-1-22, which is located just west of the recently developed Orangeburg Commons site. An existing one story building and parking area is proposed to be removed. The development consists of a new 18,304 square feet commercial building and additional impervious areas for parking and an approximate net increase of 15,250 square feet of impervious area. The land slopes downhill in an easterly direction and stormwater runoff will be conveyed to the stormwater management basin constructed for the Orangeburg Commons site.

For this new submission, the entrance road to the Greenbush Avenue cul de sac has been reconfigured and the proposed retaining wall in this area has been relocated to outside the right-of-way. The drainage report has not been updated as per the previous Project Comments.

Project Comments

1. As per the April 6, 2015 drainage review report, the Developed Conditions Drainage Area Map (Drawing 2) of the Drainage Report does not show the developed conditions for the proposed Shops at Orangeburg building and new parking areas. It appears the layout on this map is from an earlier version of the Orangeburg Commons Site Plan and does not reflect the finished construction, including the Stop and Shop Building. The subbasin delineation shall also be reevaluated to not include the portion of the off-site subarea to the west that is intercepted by the field inlet behind the Residence Inn and diverted around the detention basin. This portion of land shall not be included in the subbasin that is routed through the detention basin.
2. As per the April 6, 2015 drainage review report, this comment has been mostly addressed. The applicant has reconfigured the entrance road and grading at the Greenbush Road cul de sac to remove the proposed wall face from the Town right-of-way. However, the applicant is proposing a segmental block wall which requires geogrid behind the block face to help support the soil. Detailed design for the length of geogrid and excavation for construction shall be provided to demonstrate the geogrid will not be in the right-of-way.
3. As per the April 6, 2015 drainage review report, the drainage calculations shall use updated 24 hour rainfall totals.

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Continuation of Condition #19...

4. As per the April 6, 2015 drainage review report, the drainage report cover letter states a "minor modification to the existing outlet control structure on Orangeburg Commons site" will mitigate increases in peak runoff rates. The comment lines in the hydrologic model (lines 61-64) show an increased elevation of the overflow weir for the proposed conditions model; however, the elevation versus discharge curves show modifications at lower orifices. Calculations for the elevation versus discharge curves shall be included in the drainage report. A detail of the outlet structure showing as built conditions and the proposed modifications shall be included in the Site Plan and Drainage Report.
5. This comment (pertaining to grading at the proposed Greenbush Road entrance) from the April 6, 2015 drainage review report has been addressed.
6. As per the April 6, 2015 drainage review report, a maintenance schedule for the stormwater quality structures shall be included in the Site Plan and drainage report.
7. As per the April 6, 2015 drainage review report, calculations showing area of disturbance less than one acre shall be provided.
8. As per the April 6, 2015 drainage review report, a breakdown of as-built and proposed impervious areas shall be included in the drainage report.
9. As per the April 6, 2015 drainage review report, the drainage report shows an overflow weir at elevation 74.3 (proposed) for a length of 15 feet. The east side of the berm has as-built elevations ranging from 74.4 to 75.4. The five year peak stage is 74.45. The drainage report shall be revised to reflect the potential diversion.
10. As per the April 6, 2015 drainage review report, calculations to support the storage versus elevation curve shall be included in the drainage report.
11. As per the April 6, 2015 drainage review report, calculations shall be provided that demonstrate the storm drainage system can convey the 100-year peak runoff rate to the stormwater management basin.
12. As per the April 6, 2015 drainage review report, the proposed conditions model shows an increase in stormwater runoff volume for the detention basin inflow hydrograph compared to existing conditions, an increase in peak stage at the detention basin compared to existing conditions, the same storage versus discharge data for existing and proposed conditions, but a decrease in flood storage for the routed hydrograph. The revised report shall contain more output data and a narrative response to clarify this discrepancy.

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20. Rockland County Department of Planning had the following comment which is incorporated herein as a condition of approval:

- A review must be completed by the Palisades Interstate Park Commission and any raised comments or concerns addressed.
- A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- The conditions in the March 11, 2015 letter from the Rockland County Department of Health must be met.
- There shall be not net increase in the peak rate of discharge from the site at all design points.
- Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control
- The location of the monument sign, and any other identifications signs must be shown on the Site Plan, and conform to the Town's sign standards.

21. Traffic studies of the area, including the intersection of Western Highway and Highview Avenue have shown that traffic existing and future traffic volumes will not impact the area roadways.

22. The Rockland County Health Department's letter of March 11, 2015 requests the following:

1. Application is to be made the Rockland County Department of Health (RCDOH) for the extension of the private sewer main.
2. Application is to be made to RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.

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

- Install an NFPA 13 compliant Fire Sprinkler system. Maintain the sprinkler system according to NFPA 25.
- The proposed Fire Sprinkler system must be designed to protect the hazard in each proposed store usage. Submitted to the Bureau for approval before work commences.
- Install and maintain an NFPA 72 compliant Fire Alarm System, connected to Rockland County 44-Control. Proposed Fire Alarm plans submitted to the Bureau for approval before work commences.
- Install and maintain portable fire extinguishers as required by NFPA 10.
- Install emergency as per NEC.
- The plan shall show bollards to protect the pull in parking.
- Each occupancy applies for and maintain Certificate of Compliance Fire Safety with the Bureau of Fire Prevention.

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24. 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 Planning
- Town of Orangetown Zoning Board of Appeals

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

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

27. 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.

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 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:

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- 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.

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).

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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 DEMA with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications

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

Overrides

The Board made a motion to override Conditions 1 and 2 of the April 2, 2015 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

Condition #1. Though the property is not listed on the State or National Registers, the existing house on the site is an historic structure or significance, identified in the book "Pre-Revolutionary Dutch Houses and Families in Northern New Jersey and Southern New York" as the Abram Lent House c. 1752. The Rockland County Historic Sites and Survey also includes this house in its inventory. Orangetown historians have indicated that this house is "an outstanding example of the steep equilateral gable roof over a house two full rooms in depth." It is our understanding that a demolition permit has already been issued for this structure.

The Board held the condition was no longer relevant since the structure known as the Abram Lent House has been demolished by the property owner.

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

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Condition #2. A review must be completed by the New York State Office of Parks, Recreation and Historic Preservation so that they can provide input on how to best protect the historic resource on site.

The Board held the condition was no longer relevant since the structure known as the Abram Lent House has been demolished by the property owner.

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

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

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

**Dated: May 13, 2015
Town of Orangetown Planning Board**



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TOWN CLERKS OFFICE

PB #15-23: The Shops at Orangeburg Commons – Commercial Interior Subdivision Plan: Final Approval Subject to Conditions/ Reaffirmation of Town Board Neg. Dec.

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TO: Geraldine Tortorella, Hocherman, Tortorella & Wekstein,
1 North Broadway, Suite 701, White Plains, New York 10601
FROM: Orangetown Planning Board

RE: **The Shops at Orangeburg Commons Commercial Interior Subdivision Plan:** The application of FB Greenbush LLC c/o RD Management LLC, applicant, for Tom Graff, owner, (Hocherman Tortorella & Wekstein, LLP, attorneys for the applicant), for Prepreliminary/ Preliminary/ Final Commercial Interior Subdivision Plan Review, at a site to be known as **"The Shops at Orangeburg Commons Commercial Interior 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 Orangetown and the determine of the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 2 Greenbush Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map: Section 74.15, Block 1, Lot 22; LI zoning district;

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 13, 2015**, the Board made the following determinations:

Geraldine Tortorella, Justin Lim, Nathaniel Burns and Alfred Rossi appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated May 6, 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 May 13, 2015.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 6, 2015.
4. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFinadra, Engineer II, dated March 25, 2015.
5. A letter from Hocherman Tortorella & Wekstein, LLP, signed by Geraldine Tortorella dated February 27, 2015.
6. A letter from Hocherman Tortorella & Wekstein, LLP, signed by Adam Wekstein dated April 2, 2015.
7. A letter from Hocherman Tortorella & Wekstein, LLP, signed by Geraldine Tortorella dated April 20, 2015.
8. Copy of the Town of Orangetown Regular Town Board Meeting February 10, 2013, Resolution No. 72. Lead Agency / Orangeburg Commons; No. 73. Negative Declaration, No. 74 approved Mixed Use Expansion Special Permit.

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9. Copy of the Environmental Assessment Form, Part 1 – Project and Setting, dated November 21, 2014, signed by Alfred Rossi, P.E., with attachments.
10. Plans prepared by Leonard Jackson Associates, dated November 20, 2014, revised November 17, 2015; unless noted:
 - Drawing 1 of 12: Title Sheet
 - Drawing 2 of 12: Overall Site Plan & Commercial Subdivision Plan
 - Drawing 2A of 12: Layout “Part Plan” & Commercial Subdivision Plan
 - Drawing 3 of 12: Overall grading, Drainage & Utility Plan
 - Drawing 3A of 12: Grading, Drainage & Utility Plan “Part Plan”
 - Drawing 4 of 12: Erosion Control Plan
 - Drawing 5 of 12: Landscaping Plan
 - Drawing 6 of 12: Lighting Plan
 - Drawing 7 of 12: Construction Details (1 of 3), dated Nov. 20, 2014
 - Drawing 8 of 12: Construction Details (2 of 3), revised February 27, 2015
 - Drawing 9 of 12: Construction Details (3 of 3), revised February 27, 2015
 - Drawing 10 of 12: Storm and Sanitary Profiles
 - Drawing 11 of 12: Typical Site Cap Sections, dated Nov. 20, 2014
 - Drawing 12 of 12: Site Cap Plan, dated Nov. 20, 2014
11. Existing Condition Survey prepared by Jay Greenwell, PLS, LLC, dated October 23, 2014, revised November 5, 2014:
 - Sheet 2 of 3: Existing Condition
 - Sheet 3 of 3: Existing Condition
12. Building elevations prepared by Murray Jay Millar Architecture, unsigned and unsealed, dated July 2014.
13. Submitted at the meeting drawing 2A, Site Plan prepared by Leonard Jackson Associates, revised May 13, 2015.
14. A copy of Town Board Resolutions # 70 through # 77, Mixed Use Expansion Special Permit, dated February 10, 2015.

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

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REAFFIRMATION OF THE NEGATIVE DECLARATION

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 Leonard Jackson Associates and the Town of Orangetown's engineering 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 Planning and Town of Orangetown Zoning Board of Appeals, and having reviewed the proposed Site Plans by prepared by Leonard Jackson Associates, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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

DECISION: In view of the foregoing and the testimony before the Board, the application was **granted FINAL COMMERCIAL SUBDIVISION PLAN APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The applicant has indicated on drawing number 2, by way of a note, that no more than eleven (11) units or occupancies are proposed in the mixed use expansion. Of the eleven units or occupancies totaling 18,304 square feet, up to 5,000 square feet of the total area will be allowed for restaurant use.
2. The commercial subdivision depicts two grease traps, an indication that one or more of the proposed commercial spaces will be food service establishments. The applicant is therefore advised that the Town of Orangetown has a new F.O.G. (Fat, Oil and Grease) program, which must be complied.
3. The applicant is advised that each food service store requires its own (appropriately sized) grease trap. The locations of each grease trap may change due to the final locations of the food service stores inside the commercial subdivision.

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4. 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."

6. The following note shall be placed on the Subdivision Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

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

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

9. 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.

10. 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

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Continuation of Condition #10...

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.

11. All landscaping shown on the 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.

12. 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.

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

14. 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).

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15. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
16. 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
17. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.
18. 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.

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

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

Dated: May 13, 2015
Town of Orangetown Planning Board



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PB #15-18: Orangeburg Commons Site Plan Amendment: Preliminary Site Plan Approval Subject to Conditions/ Reaffirmation of Town Board Neg. Dec.

Town of Orangetown Planning Board Decision

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TO: Geraldine Tortorella, Hocherman, Tortorella & Wekstein,
1 North Broadway, Suite 701, White Plains, New York 10601

FROM: Orangetown Planning Board

RE: **Orangeburg Commons Site Plan Amendment:** The application of FB Orangetown Retail LLC, FB Orangetown Retail Three LLC, FB Orangetown Two LLC, FB Orangetown Hotel LLC, FB Orangetown Hotel Two LLC, and Board of Managers of the Orangeburg Commons Condominium c/o RD Management LLC, applicants and owners (Hocherman Tortorella & Wekstein, LLP, attorneys for the applicant), for Amendment to the Approved Site Plan - Prepreliminary/ Preliminary/ Final Site Plan Review, at a site known as "**Orangeburg Commons Site Plan Amendment**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the code of the Town of Orangetown and Orangetown and reaffirm the determination of the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located 170 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map: Section 74.15, Block 1, Lot 21; LI and Route 303 Overlay zoning districts.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 13, 2015**, the Board made the following determinations:

Geraldine Tortorella, Alfred Rossi and Justin Lim appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated May 6, 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 May 13, 2015.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 6, 2015.
4. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFinadra, Engineer II, dated March 25, 2015.
5. A letter from Hocherman Tortorella & Wekstein, LLP, signed by Geraldine Tortorella dated February 27, 2015.
6. A letter from Hocherman Tortorella & Wekstein, LLP, signed by Adam Wekstein dated April 2, 2015.
7. A letter from Hocherman Tortorella & Wekstein, LLP, signed by Geraldine Tortorella dated April 20, 2015.
8. Copy of the Town of Orangetown Regular Town Board Meeting February 10, 2013, Resolution No. 72. Lead Agency / Orangeburg Commons; No. 73. Negative Declaration, No. 74 approved Mixed Use Expansion Special Permit.

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9. Copy of the Environmental Assessment Form, Part 1 – Project and Setting, dated November 21, 2014, signed by Alfred Rossi, P.E., with attachments.
10. Plans prepared by Leonard Jackson Associates, dated November 20, 2014, revised November 17, 2015; unless noted:
- Drawing 1 of 12: Title Sheet
 - Drawing 2 of 12: Overall Site Plan & Commercial Subdivision Plan
 - Drawing 2A of 12: Layout “Part Plan” & Commercial Subdivision Plan
 - Drawing 3 of 12: Overall grading, Drainage & Utility Plan
 - Drawing 3A of 12: Grading, Drainage & Utility Plan “Part Plan”
 - Drawing 4 of 12: Erosion Control Plan
 - Drawing 5 of 12: Landscaping Plan
 - Drawing 6 of 12: Lighting Plan
 - Drawing 7 of 12: Construction Details (1 of 3), dated Nov. 20, 2014
 - Drawing 8 of 12: Construction Details (2 of 3), revised February 27, 2015
 - Drawing 9 of 12: Construction Details (3 of 3), revised February 27, 2015
 - Drawing 10 of 12: Storm and Sanitary Profiles
 - Drawing 11 of 12: Typical Site Cap Sections, dated Nov. 20, 2014
 - Drawing 12 of 12: Site Cap Plan, dated Nov. 20, 2014
11. Existing Condition Survey prepared by Jay Greenwell, PLS, LLC, dated October 23, 2014, revised November 5, 2014:
- Sheet 2 of 3: Existing Condition
 - Sheet 3 of 3: Existing Condition
12. Building elevations prepared by Murray Jay Millar Architecture, unsigned and unsealed, dated July 2014.
13. Submitted at the meeting drawing 2A, Site Plan prepared by Leonard Jackson Associates, revised May 13, 2015.
14. A copy of Town Board Resolutions # 70 through # 77, Mixed Use Expansion Special Permit, dated February 10, 2015.

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

REAFFIRMATION OF THE NEGATIVE DECLARATION

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

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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Leonard Jackson Associates and the Town of Orangetown's engineering 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 Planning and Town of Orangetown Zoning Board of Appeals**, and having reviewed the proposed Site Plans by prepared by Leonard Jackson Associates, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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

DECISION: In view of the foregoing and the testimony before the Board, the application was **granted 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. Please provide a separate plan labeled "Orangeburg Commons Site Plan Amendment 2", showing the changes to the Approved Site Plan for the original Mixed Use Development.
4. To help differentiate this proposal/ amendment with the previously approved amendment to this site, it is recommended that this amendment shall be labeled as Amendment #2 or similar notation or label.
5. Drawings shall be prepared for this application, separate from drawings submitted for "The Shops at Orangeburg Commons" application, It is suggested that perhaps a drawing, similar to drawing No. 2A of the "Shops at Orangeburg Commons" application, depicting the "existing" conditions of this specific section of the Orangeburg Commons site, as well as including drawing 2A (which shows proposed conditions) specific to the Orangeburg Commons property.
6. The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.

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

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

9. 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.

10. 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.

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11. All landscaping shown on the 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.

12. 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.

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

14. 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).

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

16. 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

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

TOWN CLERKS OFFICE

2015 MAY 29 PM 12 35

TOWN OF ORANGETOWN

PB #15-18: Orangeburg Commons Site Plan Amendment: Preliminary Site Plan Approval Subject to Conditions/ Reaffirmation of Town Board Neg. Dec.

**Town of Orangetown Planning Board Decision
May 13, 2015
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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; Thomas Warren, aye; Robert Dell, aye; Michael Mandel, aye and Stephen Sweeney, aye.

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

Dated: May 13, 2015 
Town of Orangetown Planning Board

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TOWN CLERKS OFFICE