

Meeting of May 22, 2013
Town of Orangetown Planning Board

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

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:

155 Corporate Drive Site Plan Final Site Plan Amendment to Approved Site Plan Review 73.15/1/18 & 73.19/1/1; LIO zoning district	PB #13 - 19 Final Site Plan Approval Subject to Conditions
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The Pointe at Lake Tappan Site Plan Final Site Plan Amendment to Approved Site Plan Review 73.10/1/4, 5, 6 (partial); PAC zoning district	PB # 13 - 20 Postponed to June 12th Meeting
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Hillside Commercial Park Site Plan Final Site Plan Review 68.11/3/39 & 40; LI zoning district	PB #13 – 21 Disapproval of Final Site Plan
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The decisions of the April 24, 2013 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Michael Mandel and seconded by Bruce Bond and carried as follows: Kevin Garvey, aye; Bruce Bond, aye, Jeffrey Golda, abstain; Robert Dell, abstain; John Foody, aye; Michael Mandel, aye, and William Young, aye.

The decisions of the May 8, 2013 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Michael Mandel and seconded by Bruce Bond and carried as follows: Kevin Garvey, aye; Bruce Bond, aye, Jeffrey Golda, aye; Robert Dell, aye; John Foody, aye; Michael Mandel, aye, and William Young, abstain.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Bruce Bond and seconded by William Young and agreed to by all in attendance. The meeting was adjourned at 9:05 p.m. The next Planning Board meeting is scheduled for June 12, 2013.

DATED: May 22, 2013
Town of Orangetown Planning Board

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**PB #13-19: 155 Corporate Drive Site Plan Amendment: Final Site Plan
Approval Subject to Conditions**

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

RE: 155 Corporate Drive Site Plan Amendment: The application of 155 Corporate Drive, Inc., owner, for an Amendment to the Final Site Plan, at a site known as “**155 Corporate Drive Site Plan Amendment**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the code of the Town of Orangetown. The site is located at 155 Corporate Drive, on the South side of Corporate Drive, 850 feet west of Olympic Drive, Orangeburg, Town of Orangetown, Rockland County, New York. Tax Map: Section 73.15, Block 1, Lot 18 & Section 73.19, Block 1, Lot 1; LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 22, 2013**, the Board made the following determinations:

Antonio DelVecchio appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated May 15, 2013.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated May 22, 2013.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 17, 2013.
4. A letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, Commissioner of Planning, dated May 3, 2013.
5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated May 6, 2013.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 2, 2013.
7. An Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated May 13, 2013.
8. A letter from Russo Development signed by Douglas G. Bartels, P.E., Vice President – Development, dated April 29, 2013, attachment of a report entitled “Exterior Sound Evaluation of Proposed Data Center Operations”, prepared by Lewis S. Goodfriend & Associates, dated March 22, 2013.
9. Copies of PB # 13-13: 155 Corporate Drive Site Plan: Amendment to Preliminary Site Plan Approval Subject to Conditions/ Reaffirmation of Neg. Dec., ZBA #13-34, Approved with Conditions, dated May 15, 2013 and ACABOR #13-23, Approved subject to Conditions, dated May 16, 2013.
10. Copies of the previous Site Plan Approval Board Decisions: PB #11-52, Final Site Plan Approval Subject to Conditions, dated November 9, 2011, ACABOR #11-34, Approved Subject to Conditions, dated September 8, 2011, ZBA #10-92, Variances, dated July 20, 2011 and PB #10-05, Preliminary Site Plan Approval Subject to Conditions, dated July 9, 2010.

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11. Rider #1, Project Description; Rider #2, Project History of applications and Approvals; Rider #3, Summary of Variances/ Waivers Granted by the Planning Board and a Summary of Variances Granted by the Zoning Board of Appeals, Required Modifications to the Relief Granted and New Variances Requested.
12. A copy of a letter from Russo Development signed by Richard G. Berger, to the Town of Orangetown Zoning Board of Appeals, dated April 4, 2013.
13. Stormwater Pollution Prevention Plan for 155 Corporate Drive, prepared by Russo Development, LLC, dated October 30, 2009, last revised April 26, 2013, with required SWPPP Certifications.
14. A copy of a letter from Russo Development to the Town of Orangetown Zoning Board of Appeals, signed by Richard G. Berger, dated April 4, 2013.
15. Plans prepared, signed and sealed by Douglas G. Bartels, P.E. and Jack Shoemaker, PLS, Russo Development, dated October 30, 2009, revised April 26, 2013, unless noted:
 - C1: Title Sheet
 - C2: Existing Conditions Plan
 - C3: Site Plan
 - C3.1: Construction Logistics Plan, dated February 15, 2013
 - C4: Overall Grading Plan, dated May 21, 2010
 - C4.1: Grading & Drainage Plan
 - C4.2: Stormwater Management Plan and Details, dated February 17, 2010
 - C4.3: Stormwater Management Plan and Details, dated April 5, 2010
 - C5: Utility Plan
 - C5.1: Off-Site Utility Plan for TC 1, dated February 15, 2013
 - C5.2: Off-Site Utility Plan for Water Main Extension, dated April 26, 2013
 - C6: Profiles
 - C7: Profiles
 - C8: Construction Details
 - C8.1: Site Identification Sign Plan & Details, dated April 19, 2013
 - C9: Construction Details
 - C10: Construction Details
 - C11: Landscape Plan
 - C12: Lighting Plan
 - C13: Landscape & Lighting Details
 - C14: Soil Erosion & Sediment Control Plan
 - C15: Soil Erosion & Sediment Control Plan
 - VT1: Vehicle Turning Plan, dated January 6, 2011

The Board reviewed the plans.

There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by William Young and second by Bruce Bond and carried as follows: Bruce Bond, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; John Foody, aye; Jeffrey Golda, aye and Kevin Garvey, 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. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall comply with all pertinent and applicable conditions of previous Board Decisions:

Decisions for Amendment to the Site Plan:

- ACABOR #13-23: Approved Subject to Conditions, dated May 16, 2013
- ZBA #13-34: Front Yard, Building Height and Loading Berth Variances Approved with Conditions, dated May 15, 2013
- PB #13-13: Amendment to Preliminary Site Plan Approval Subject Conditions/ Reaffirmation of Neg. Dec., dated March 27, 2013

Prior Board Decisions:

- PB #11-52: Final Site Plan Approval Subject to Conditions, dated November 9, 2011
- ACABOR #11-34, Approved Subject to Conditions, dated September 8, 2011
- ZBA #10-92, Loading Berth, Front Yard and Building Height Variances Approved with Conditions, dated July 20, 2011
- PB #10-05, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated July 9, 2010

4. The revised SWPPP is acceptable.
5. The Soil Erosion and Sediment Control Plans and details, last updated April 26, 2013 is acceptable.
6. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:

- The parking requirements lists the breakdown for the parking provided. The previous review listed 23 spaces required for 46 employees for the data center, and this submission lists only 20 employees for a need of 10 spaces. However, footnote #2 states that the employee count will be 46 employees for two shifts, or 23 per each shift. **This discrepancy for the number of employees must be corrected.**

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Continuation of Condition #6....

- Drawing VT1 illustrates the turning movements for fire apparatus. The southwestern turning radii seems to extend beyond the proposed asphalt curbing and perhaps into the area landscaped with some type of tree. Is this space sufficient for the fire apparatus? In addition, the turning movement thought the parking lot adjacent to the building, on the east side, shows the turning radii to be coming very close to many of the parking spaces. Is there sufficient turning room in this parking lot if vehicles, especially large ones, are parked in these spaces? **This plan must be reviewed by the local fire department and the Rockland County Office of Fire & Emergency Services.**

- The conditions of the March 6, 2013 letter from the Rockland County Department of Health must be met. In addition, all required permits must be obtained from the Health Department for the three proposed 50,000 gallon underground storage tanks.

- If any public water supply improvements are required, engineering plans and specification for these improvements shall be reviewed by the Rockland County Department of Health, prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition", that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a New York State licensed professional engineer and shall be accompanied by a completed New York State Department of Health Form 348, which must be signed by the public water supplier.

- Public sewer mains requiring extensions within a right of way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

- A review shall be completed by the U.S. Army Corps of Engineers and any required permits obtained.

- Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineers, shall be issued to the municipality for this project, certifying that there will be sufficient water supply during peak demand periods and in a drought situation.

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Continuation of Condition #6....

- Several of the proposed plantings on the Landscape Plan do not indicate what type of plant is being proposed, such as the symbols along the southern and western sides of the building. In addition, 11 FA are proposed along Corporate Drive, but another species is also proposed along this roadway, with no indication as to the type of plant. All proposed landscaping must be clearly labeled on the Landscape Plan. **The landscaping plan shall be revised accordingly.**
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- Prior to the start of construction or grading, a soil and erosion control plan shall be developed in place for the entire site that meets the New York State Guidelines for Urban Erosion and Sediment Control.
- 7. The Rockland County Highway Department found that the proposed action will have no foreseeable adverse impact upon county roads in the area.
- 8. The Rockland County Department of Health reviewed the Site Plan and requests the applicant forward three (3) sets of plans to the Rockland County Department of Health to be stamped and signed as approved.
- 9. The Town of Orangetown Bureau of Fire Prevention held that the proposed amendment to the approved Site Plan has changed drastically and the following comments shall be incorporated herein as conditions of approval:
 - Uninterrupted Power Supply (UPS) Room shall be clearly identified: size, type of UPS being used; a room built per Section F-608 of the New York State Fire Code may be required.
 - Generator area – provide details of exhaust system and area where exhaust duct work will penetrate roof and/or walls.
 - Data Racks: provide height, width, dimensions of aisles.
 - Fire alarm systems must be addressable, with two dedicated phone lines, or an approved method of communication and direct connection to 44 Control System must be NFPA 72 compliant. Fire alarm plan must be submitted and approved prior to installation.
 - An NFPA 13 compliant fire sprinkler system must be installed and designed to protect the specific hazards in this occupancy. (Generators, batteries, etc...)
 - All egress must comply with Chapter 10 of the New York State Fire Code.

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Continuation of Condition #9....

- Portable fire extinguishers must be installed as per NFPA 10 Guidelines.
- Underground diesel fuel tank storage must be in compliance with Section 3403 of the New York State Fire Code.
- The East side of the site (main entrance area) shows a revised parking arrangement then previously presented. **The applicant must provide the following on the Site Plan:**
 - 1) A fire access road in access of 150 feet must provide a turn-around for the fire apparatus, or
 - 2) In an area highlighted on the Site Plan, an analysis of the turning radiuses so that a piece of fire apparatus with a 44 foot six inch wheelbase and overall length of 47 feet can maneuver into the parking area and out without turning around.
- West side parking or loading dock area appears to not allow any access for fire apparatus past the chiller area. Please clarify.
- All entrances, fire apparatus access roads, gates, etc.... must comply with Appendix FD of the New York State Fire Code.
- Key Boxes for Fire Department access must be installed in locations to be determined.
- A Certificate of Compliance Fire Safety must be applied for with the appropriate fee and Fire Inspections and acceptance tests of various systems will be conducted as needed during construction.
- All fire lanes and fire lane signage must be in compliance with the New York State Fire Code and approved by the Town of Orangetown Bureau of Fire Prevention.

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

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

12. 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.

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13. TREE PROTECTION: The following note shall be placed on the Site Plan:
The Tree Protection and Preservation Guidelines adopted

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.

d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

- One (1) foot radius from trunk per inch DBH
- Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:

- Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
- Light Impacts Only – Installation of $\frac{3}{4}$ inch of plywood or boards, or equal over the area to be protected.

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

14. 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.

15. 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.

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

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17. 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).

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

19. 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

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

Override

The Board made a motion to override Conditions #3 of the May 3, 2013 letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, Commissioner of Planning, for the following reasons:

#3. The Borough of Old Tappan, New Jersey is the reason this proposal was referred to the Rockland County Department of Planning. The municipal boundary is along the southern property line of the subject property. The New York State General Municipal Law states that the purposes of Section 239-1, 239-m and 239-n of the law shall be to bring pertinent intercommunity and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county –wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominate land uses, population density, and the relation between residential and nonresidential area.

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In addition, Section 239-nn was recently enacted to encourage the coordination of land use development and regulation among adjacent municipalities, so that, as a result, development occurs in a manner that is supportive of the goals and objections of the general area. An updated review must be requested from the Borough of Old Tappan, and all of the issues contained in the May 3, 2010 letter from the Borough's consulting engineer, Thomas Skrable, P.E., must be considered and satisfactorily addressed.

The Board held that the New York State General Municipal Law is applicable to municipalities only in New York State, not those located in another state, in this case the Borough of Old Tappan, New Jersey. In addition, the Borough of Old Tappan had been mailed a referral package for this application and had not provided any written comments for the meeting.

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

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

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

**Dated: May 22, 2013
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TO: Donald Brenner, 4 Independence Avenue, Tappan, New York
FROM: Orangetown Planning Board

RE: Hillside Commercial Park Site Plan: The application of Route 304, LLC, owner, (Donald Brenner, attorney for the applicant), for Final Site Plan Review, at a site to be known as "**Hillside Commercial Park Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the code of the Town of Orangetown. The site is located on the West side of Route 304 right of way on the South by Hillside Avenue and on the East by the CSX railroad right of way, Pearl River, Town of Orangetown, Rockland County, New York. Tax Map: Section 68.11, Block 3, Lots 39 & 40; LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **May 22, 2013**, at which time the Board made the following determinations:

Donald Brenner, Edmund Lane and Stuart Strow appeared and testified. The Board received the following information.

1. A Project Review Report dated May 15, 2013.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated May 22, 2013.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 17, 2013.
4. Letters from Maser Consulting, Planning Board Drainage Consultant, signed by Joseph T. Caruso, P.E., dated May 7 and 22, 2013.
5. A letter from the Rockland County Department of Planning, signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning, dated May 14, 2013.
6. A letter from Rockland County Highway Department, signed by Sonny Lin, P.E., dated May 10, 2013.
7. Letters from the New York State Department of Transportation, signed by Mary Jo Russo, dated April 1, 2008 and May 2, 2013.
8. An Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated May 13, 2013.
9. A copy of a letter from the Borough of Montvale, New Jersey, addressed to Thom Kleiner, Orangetown Supervisor, from Wolfgang Voght, Chairman, Montvale Environmental Commission, dated November 21, 2008.
10. Submitted at the meeting, a letter from Michael Palko, 40 Rollins Avenue, Pearl River, New York, undated.
11. Submitted at the meeting, a letter from Joanne Di Lorenzo, Registered Landscape Architect, dated May 22, 2013.

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12. Site Plans prepared by Brooker Engineering, dated August 29, 2007, last revision date of March 20, 2013:

Drawing T: Title Sheet
Drawing 1: Layout Plan
Drawing 2: Grading and Utility Plan (1 of 2)
Drawing 3: Grading and Utility Plan (2 of 2)
Drawing 4: Soil Erosion & Sediment Control Plan
Drawing 5: Landscaping & Lighting Plan
Drawing 6: Existing Condition Plan
Drawing 7: Road Profiles (1 of 2)
Drawing 8: Road Profiles (2 of 2)
Drawing 9: Drainage Profiles
Drawing 10: Drainage and Sanitary Sewer Profiles
Drawing 11: Force Main Profiles
Drawing 12: Construction Details (1 of 2)
Drawing 13: Construction Details (2 of 2)

Board Member Michael Mandel recused himself from the meeting.

Public Comment:

Darcy Castelero, representative of Assemblywomen Ellen Jaffe, noted that a current New York State bill was under consideration to create a bi-state council to review projects for impact on streams, rivers and other environmental issues. She also raised concerns that the proposed type of facility attracts law enforcement issues.

Joanne Di Lorenzo, Registered Landscape Architect, 12 Moore Avenue, Pearl River, submitted a letter, dated May 22, 2013. Ms. Di Lorenzo held that the proposed project was overdevelopment of the site and discussed the conditions of the ACABOR decision.

Michael Mandel, member of the Town of Orangetown Planning Board, however recused from the proceedings of the item and speaking as a private citizen, 94 Grove Street Pearl River; noted that the Muddy Creek flows through the property and any development on the site needs approval from the Army Corp of Engineers. He also had issues with condition #7 of the Preliminary Site Plan Approval regarding storage of dirt on the site. He held that the storage would raise the flood plain level elevation and cause problems downstream.

Bill Clark, 73 Hillside Avenue, Pearl River; noted that the Saloon Restaurant Property has been flooded out and many times rebuilt. The project site had an application in 1985 of a trucking company that the Planning Board denied, so why would the Board approve it at this time. He felt that the Board should consider the opinion of the people.

Amy Bach, 25 Rollins Avenue, Pearl River; held that the Planning Board should follow the "Spirit" of the law when reviewing the project.

Tracy Hancock, 48 West George Street, Pearl River; requested clarification of a Zoning Board of Appeals decision.

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Andrew Wiley, a Pearl River resident; disagreed with the interpretation of a Zoning Board variance. He held that the Zoning Board of Appeals may have reviewed a different plan that the Planning Board when reviewing the project application. Mr. Wiley requested information regarding the acreage of the site and the need for the New York State Department of Environmental Conservation and the Army Corp of Engineers review and approvals.

Bridget Killen, 45-49 West Central Avenue, owner of the Saloon Restaurant; raised concerns regarding overdevelopment of the site and continued flooding of her property.

Carman Riley, 77 West Central Avenue, Pearl River; discussed flooding of Pearl River and requested that the Board review the project with this in consideration.

Mike Palko, 40 Rollins Avenue, Pearl River; submitted a letter to the Board. He raised concerns regarding the loss of trees on the site, increased noise to the area, increase stormwater runoff and damage to the community.

Lisa Robertson, 48 West Lewis Avenue, Pearl River; raised concerns regarding development of the site.

Eileen Emsworth, 117 East Carroll Street, Pearl River; discussed similar flooding to her property when the Cherry Brook flooded and damaged her house.

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

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

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

FINDINGS OF FACT:

1. The Board found that the applicant received Preliminary Site Plan approval of a plan dated 8/29/07 by decision of this Board dated February 13, 2008. On May 22, 2013, the applicant presented revised plans for Final Site Plan review, with the revisions dated March 20, 2013. The revised plans included a significant change to the road layout and parking on the site.

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2. The Board found that the applicant changed what had been shown on the 8/29/07 plan as two, 2 lane roads running parallel to each other on the eastern side of Lot 1. One of the 2 lane roads serviced Lot 1 and the other serviced Lot 2. The 3/20/13 plan shows one 2 lane road servicing both lots. While this change might be preferable to the previous plan (see Item 41 in February 13, 2008 Decision), the new plan shows 71 parking spaces for the proposed building on Lot 1 directly off of this 2 lane road servicing both lots. The proposed use on Lot 1 is as a self-storage facility with 2 employees, requiring 1 parking spot. The 8/29/07 plan showed 7 parking spaces, which were in excess of what was required (See item 40 in February 13, 2008 Decision). The 71 parking spaces shown on the 3/20/13 site plan are a significant change from what was previously shown and far in excess of what is required for the proposed use. The location for these 71 parking spaces presents a danger when backing out of the spots onto the road that is used for both sites, which is unnecessary given the proposed use at the site. This proposed parking does not provide for safe accessibility to the uses on the site. The applicant did not offer any alternatives such as parallel parking or temporary loading/unloading area for access to the storage facility, or take the opportunity that was afforded to address the Board's concerns regarding this significant change in the parking plan.
3. The Board found that the excess parking on Lot 1 would also have a negative impact upon the subject site as well as adjacent properties by having an unnecessary impact on the layout of impervious area. Rockland County Department of Planning indicated there was excess parking and recommended impervious area be reduced. (See note 7, 4/16/13 Department of Planning Letter) and the New York State Department of Transportation expressed concerns regarding the increase in parking (See note 2, 5/2/13 NYS DOT Letter). The proposed use of the building on Lot 1 does not call for this excessive parking and would adversely affect neighboring properties with perpetually empty parking areas which are of little to no value to the use on the subject property. Further, the area where these parking spaces are shown could better serve the site and lessen its impact on surrounding areas if these spaces were eliminated in favor of more natural landscape, creating less impervious area.

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4. The Board found that the proposed use on Lot 2 calls for 66 parking spaces according to the calculations of the Town Code as shown on the 3/20/13 plan. The 8/29/07 plan showed 110 spaces. The revised plan from 3/20/13 shows 104 parking spaces on Lot 2, which is still 38 more spaces than necessary, creating greater impervious surface than is necessary. (See also, Note 7, 4/16/13 RC Planning Letter and note 2, 5/13/13 NYS DOT Letter). The applicant did not provide an alternative such as "land banking" some of these spaces for future use, if necessary, or eliminating them all together. The parking on the east side of the building on Lot 2 is not far from a residential neighborhood beyond the railroad tracks and across the street (Railroad Avenue) from Lot 2. These spaces could have been eliminated to provide for screening and/or more of a buffer area between the commercial and residential area for aesthetic and noise concerns, or reduced in number. The applicant did not offer any alternatives for the parking configuration on Lot 2, or take the opportunity that was afforded to continue consideration of the matter to address this concern.
5. The Board expressed concerns about the size of the 82,750 square foot two story building located on Lot 1. This large size causes a greater impervious area in a location where there is concern for drainage impact upon the site and that of properties in the vicinity of this site. This would also have a negative impact on the health, safety and general welfare of the surrounding residential community. Given the proximity to numerous residential properties, the applicant was asked to consider an alternative to the size of the building so as to reduce the aesthetic impact upon neighboring properties, while still achieving the goals of the applicant. The applicant did not agree to adjourn the hearing for an opportunity to consider and/or present an alternative.
6. The Board found that the applicant showed only one means of access to the site. The Town of Orangetown Fire Inspector, in a letter dated 5/13/13, recommended that an "emergency vehicle only" access gate may be required to allow for secondary access. Such access, if feasible, must be shown on the site plan or alternatives provided, for the safety of the users of the site and responding emergency services personnel. The applicant did not provide such "emergency vehicle only" access, or demonstrate that same could be adequately addressed on the site plan.

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7. The Board requested that the applicant address its concerns regarding parking at the site, the size of the building, screening and related matters as set forth in the record of the proceedings before the Board on May 22, 2013. The applicant indicated that it did not wish to adjourn the proceedings to address these areas of concern and requested a vote on the plans "as is".

On the basis of the foregoing, including all of the submissions to the Board and all proceedings had before it at a public hearing on the matter on May 22, 2013, a motion was made to DISAPPROVE the Final Hillside Site Plan dated 3/20/13.

DECISION: In view of the foregoing and the testimony before the Board, the application for FINAL SITE PLAN WAS DISAPPROVED.

The foregoing Resolution was made and moved by Bruce Bond and seconded by Robert Dell and carried as follows: Bruce Bond, aye; Michael Mandel, recused; William Young, aye; John Foody, nay; Robert Dell, aye; Jeffrey Golda, aye and Kevin Garvey, 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 22, 2013
Town of Orangetown Planning Board**

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