

**TOWN OF ORANGETOWN PLANNING BOARD**

**Meeting of June 9, 2010**

**MEMBERS PRESENT:**

Bruce Bond, Chairperson; Kevin Garvey; Jeffrey Golda; William Young; John Foody and Andy Stewart

**MEMBERS ABSENT:** Robert Dell

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

Bruce Bond, Chairperson called the meeting to order at 7:30 P.M. Mr. Garvey read the agenda. Hearings as listed on this meeting's agenda which are made a part of these minutes, were held as noted below:

<b>Commerce Bank Site Plan</b> Recommendation to the Town Board to Reduce the Performance Bond 68.16/6/45, 46.1 & 46.2; CS zoning district	<b>Recommended to the Town Board</b>	<b>PB #10-21</b>
<b>Crestron Electronics Resubdivision Plan</b> Final Resubdivision Plan 77.05/1/36 & 37; LIO zoning district	<b>Final Approval Subject to Conditions</b>	<b>PB #10-22</b>
<b>Crestron Electronics Site Plan</b> Final Site Plan and Conditional Use Permit Review 77.05/1/36 & 37; LIO zoning district	<b>Final Site Plan Approval Subject to Conditions and Conditional Use Permit</b>	<b>PB #10-23</b>

**Continued Item from May 12, 2010 Meeting:**

<b>155 Corporate Drive Site Plan</b> Prepreliminary/Preliminary Site Plan and SEQRA Review 73.15/1/18 and 73.19/1/1, LIO zoning district	<b>Preliminary Site Plan Approval Subject to Conditions/Neg. Dec.</b>	<b>PB #10-05</b>
<b>155 Corporate Drive Internal Commercial Subdivision Plan</b> Prepreliminary/Preliminary/ Final Internal Commercial Subdivision Plan and SEQRA Review 73.15/1/18 and 73.19/1/1, LIO zoning district	<b>Preliminary Approval Subject to Conditions/ Neg. Dec.</b>	<b>PB #10-20</b>

**TOWN OF ORANGETOWN PLANNING BOARD**  
**Meeting of June 9, 2010**

The decisions of the May 12, 2010 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Kevin Garvey and seconded by William Young and carried as follows: Robert Dell, absent; Kevin Garvey, aye; Bruce Bond, aye; Jeffrey Golda, aye; John Foody, aye; Andy Stewart, aye and William Young, 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 Andy Stewart and seconded by Jeffrey Golda and agreed to by all in attendance. The meeting was adjourned at 10:00 p.m. The next Planning Board meeting is scheduled for June 23, 2010.

**DATED: June 9, 2010**  
**Town of Orangetown Planning Board**

**PB #10-21: Commerce Bank North Site Plan– Recommended to the Town Board to Reduce the Performance Bond**

**Town of Orangetown Planning Board Decision**

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TO: Donald Brenner, 4 Independence Avenue, Tappan, New York 10983  
FROM: Orangetown Planning Board  
RE: Commerce Bank Site Plan: Application of Commerce Bank North, for a Recommendation to the Town Board for the **Reduction of the Performance Bond for a site known as “Commerce Bank 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 93, 99 & 105 East Central Avenue Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.16, Block 6, Lots 45, 46.1 & 46.2 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, June 9, 2010**, at which time the Board made the following determination:

Donald Brenner appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated June 2, 2010.
2. Interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated June 9, 2010.
3. Interdepartmental memorandum signed by Bruce Peters, P.E., Town of Orangetown, Department of Environmental Management and Engineering, dated May 7, 2010.
4. Interdepartmental memorandum signed by James Dean, Superintendent of Highways, Town of Orangetown, Department of Highways, dated April 20, 2010.
5. A signed by Donald Brenner, P.E., LL.B., dated May 3, 2010.
6. PB #02-129, Recommendation to the Town Board to Establish Value and Term of the Performance Bond, dated October 9, 2002.
7. Interdepartmental memorandum signed by Robert Beckerle, P.E., Town of Orangetown, Department of Environmental Management and Engineering, dated September 9, 2002.
8. A copy of the Town of Orangetown Town Board Resolution #570, dated October 15, 2002.
9. A copy of the Commerce Bank Site Plan Performance Bond and the Certified Check in the Amount of \$29,754.00.

**PB #10-21: Commerce Bank North Site Plan– Recommended to the Town Board to Reduce the Performance Bond**

**Town of Orangetown Planning Board Decision**

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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 Kevin Garvey, and seconded by William Young and carried as follows: Bruce Bond, aye; Andy Stewart, aye; Jeffrey Golda, aye; John Foody, aye; Robert Dell, absent; William Young, aye and Kevin Garvey, aye.

**RECOMMENDATION:** In view of the foregoing, the Board Recommended to the Town Board to Reduce the Amount of the Performance Bond to \$1,000.00 to secure obtaining the filing information for the required road widening as required in the Interdepartmental memorandum signed by Bruce Peters, P.E., Town of Orangetown, Department of Environmental Management and Engineering, dated May 7, 2010.

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

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

**Dated: June 9, 2010**

**Town of Orangetown Planning Board**

**PB #10-20: Crestron Electronics Resubdivision Plan; Final Approval  
Subject to Conditions**

**Town of Orangetown Planning Board Decision  
June 9, 2010  
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TO: Steven Grogg, P.E., McLaren Engineering Group, 100 Snake Hill Road,  
West Nyack, New York 10956  
FROM: Orangetown Planning Board

RE: The application of 280 – 282 Orangeburg Road, LLC, owner, for Final Resubdivision Plan Review at a site to be known as “**Crestron Electronics 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 on the south side of Ramland Road South 1,200 feet south of the intersection of Ramland Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.05, Block 1, Lots 36 & 37 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **June 9, 2010** at which time the Board made the following determinations:

Steven Grogg, Daniel Feldstein and Terry Rice appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated June 2, 2010.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated June 9, 2010.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated June 3, 2010.
4. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 17, 2010.
5. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated May 24, 2010.
6. A letter signed by Beth De Coursey, 9 Tory Circle, Tappan, New York, dated May 4, 2010.

**PB #10-20: Crestron Electronics - Resubdivision Plan; Final Approval  
Subject to Conditions**

**Town of Orangetown Planning Board Decision**

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7. Plans prepared by McLaren Engineering Group, dated January 16, 2009, revised May 7, 2010, unless noted:

C-001: Cover Sheet

C-002: Existing Conditions Map, dated February 12, 2009

C-100: Overall Site Plan

C-101: Site Plan

C-102: Site Plan

C-103: Phasing Plan

C-201: Grading Plan

C-202: Grading Plan

C-301: Utility Plan

C-302: Utility Plan

C-401: Soil Erosion and Sediment Control Plan

C-501: Details

C-502: Details

C-503: Headwall Details and Sections

C-504: Headwall Details

C-601: Lighting Plan

C-602: Lighting Plan

C-701: Stormwater Profiles, dated February 19, 2010

C-702: Stormwater Profiles, dated February 19, 2010

C- 710: Sanitary Sewer Profiles, dated February 19, 2010

C- 711: Sanitary Sewer Profiles, dated February 19, 2010

**S-1: Subdivision Plan**

S-2: Ramland South Roadway Proposed Plan & Profile (Cul-De-Sac),  
dated April 1, 2010

8. Landscaping Plans prepared by Land Concepts, dated January 14, 2009, revised April 22, 2010:

L-1 of 2: Planting Plan – Phase I

L-2 of 2: Planting Plan – Phase II

9. Architectural Plans prepared by Elkin/Sobolta & Associates, dated December 12, 2008, revised February 11, 2010:

A-1: Floor Plan

A-2: Elevations

A-3: Exterior Wall Mounted Lighting Plan

**PB #10-20: Crestron Electronics - Resubdivision Plan; Final Approval  
Subject to Conditions**

**Town of Orangetown Planning Board Decision**

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10. Copies of Board Decisions: ACABOR #10-13, Approved with Conditions, dated May 6, 2010; ZBA #10-21, Approved Zoning Variances: Loading Berths and 280-a, dated April 21, 2010 and ZBA #10-22, Performance Standards Approved with Conditions, dated April 21, 201 and PB #09-10, Preliminary Resubdivision Approval Subject to Conditions/Neg. Dec., dated December 9, 2009.

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

**Public Comments:**

Beth De Courcey, 9 Tory Circle, discussed her letter to the Board, dated May 4, 2010. She requested that the Board place a condition in the decision encumbering the use of the property for future parking uses. Ms De Courcey requested that a field fence be placed on the site during construction.

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

**DECISION: In view of the foregoing and the testimony before the Board, the application was GRANTED A FINAL RESUBDIVISION PLAN 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.

**PB #10-20: Crestron Electronics - Resubdivision Plan; Final Approval  
Subject to Conditions**

**Town of Orangetown Planning Board Decision  
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**3.** The applicant shall comply with all pertinent and applicable Board Decisions: ACABOR #10-13, Approved with Conditions, dated May 6, 2010; ZBA #10-21, Approved Zoning Variances: Loading Berths and 280-a, dated April 21, 2010 and ZBA #10-22, Performance Standards Approved with Conditions, dated April 21, 201 and PB #09-10, Preliminary Resubdivision Approval Subject to Conditions/Neg. Dec., dated December 9, 2009.

**4.** The Applicant proposes to consolidate two lots (77.05-1-36 and 77.05-1-37) into a single 19.38 acre lot. No development is proposed under this Resubdivision Plan; therefore, there will be no impact on drainage due to the merger of lots. As stated in our previous letter dated July 14, 2009, the Planning Board's Drainage Consultant recommends acceptance for drainage only for the Resubdivision of these two lots.

**5.** Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is not required based upon its review of the information provided. However, the site appears to be located in close proximity to mapped federal wetlands. The RCDA suggests that the U.S. Army Corps of Engineers be contacted by the lead agency and requested to make a jurisdictional determination regarding the proposed activity.

**6.** The Rockland County Stream Control Act, Chapter 846, requires that all subdivision maps must be signed by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.

**7.** The Rockland County Department of Health, Environmental Health Program had the following comments:

- There is an existing well on Lot #37. this well is to be shown on the "Existing Conditions Map" and "Overall Site Plan". A note is to be added that the well is to be decommissioned in accordance to Article II of the Rockland County Sanitary Code.
- Formal application is to be made to the Rockland County Department of Health, Environmental Health Program for approval of the sewage disposal system. Plans are to include sanitary sewer profiles and an Engineers Report for the Pump Station. The Applicant's Engineer shall contact the Rockland County Department of Health, Environmental Health Program for submission requirements.
- Application is to be made to the Rockland County Department of Health for a water main extension. This application is to be made through United Water New York.
- Separate application is to be made to the Rockland County Department of Health for review of the stormwater management System for compliance with the County Mosquito Code.



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Subject to Conditions**

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

**9.** No parking shall be placed on the easterly side of the yard.

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

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

**12. 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.

**13.** All landscaping shown on the subdivision plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

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**14.** 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.

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

**16.** 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).

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

**18.** 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

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

The foregoing Resolution was made and moved by Kevin Garvey seconded by William Young and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, absent, 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: June 9, 2010**

Planning Board  
Env. Mgt. Eng.  
PRC

OBZPAE RC Planning  
HDR Town Board  
Supervisor

RC Drainage      RC Highway  
Assessor Town Attorney

**PB #10-21: Crestron Electronics Site Plan; Final Site Plan Approval Subject to Conditions**

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TO: Steven Grogg, P.E., McLaren Engineering Group, 100 Snake Hill Road, West Nyack, New York 10956

FROM: Orangetown Planning Board

RE: The application of 280 – 282 Orangeburg Road, LLC, owner, for Final Site Plan and Conditional Use Permit Review at a site to be known as “**Crestron Electronics Site Plan and Conditional Use Permit**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located on the south side of Ramland Road South 1,200 feet south of the intersection of Ramland Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.05, Block 1, Lots 36 & 37 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **June 9, 2010**, at which time the Board made the following determinations:

Steven Grogg, Daniel Feldstein, William Glaner and Terry Rice appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated June 2, 2010.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated June 9, 2010.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated June 3, 2010.
4. A letter from HDR, dated June 3, 2010, signed by Harvey Goldberg, P.E.,
5. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated June 4, 2010.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 17, 2010.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated May 24, 2010.
8. Letters from Thomas Skrable, P.E., Consulting Engineer, for the Borough of Old Tappan, New Jersey, dated May 11, 2010 and July 10, 2009.
9. A letter signed by Beth De Courcey, 9 Tory circle, Tappan, dated May 4, 2010.

**PB #10-21: Crestron Electronics Site Plan; Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**

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10. Plans prepared by McLaren Engineering Group, dated January 16, 2009, revised May 7, 2010, unless noted:

- C-001: Cover Sheet
- C-002: Existing Conditions Map, dated February 12, 2009
- C-100: Overall Site Plan
- C-101: Site Plan
- C-102: Site Plan
- C-103: Phasing Plan
- C-201: Grading Plan
- C-202: Grading Plan
- C-301: Utility Plan
- C-302: Utility Plan
- C-401: Soil Erosion and Sediment Control Plan
- C-501: Details
- C-502: Details
- C-503: Headwall Details and Sections
- C-504: Headwall Details
- C-601: Lighting Plan
- C-602: Lighting Plan
- C-701: Stormwater Profiles, dated February 19, 2010
- C-702: Stormwater Profiles, dated February 19, 2010
- C-710: Sanitary Sewer Profiles, dated February 19, 2010
- C-711: Sanitary Sewer Profiles, dated February 19, 2010
- S-1: Subdivision Plan
- S-2: Ramland South Roadway Proposed Plan & Profile (Cul-De-Sac), dated April 1, 2010

11. Landscaping Plans prepared by Land Concepts, dated January 14, 2009, revised April 22, 2010:

- L-1 of 2: Planting Plan – Phase I
- L-2 of 2: Planting Plan – Phase II

12. Architectural Plans prepared by Elkin/Sobolka & Associates, dated December 12, 2008, revised February 11, 2010:

- A-1: Floor Plan
- A-2: Elevations
- A-3: Exterior Wall Mounted Lighting Plan

**PB #10-21: Crestron Electronics Site Plan; Final Site Plan Approval Subject to Conditions**

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13 Copies of Board Decisions: ACABOR #10-13, Approved with Conditions, dated May 6, 2010; ZBA #10-21, Approved Zoning Variances: Loading Berths and 280-a, dated April 21, 2010 and ZBA #10-22, Performance Standards Approved with Conditions, dated April 21, 201 and PB #09-11, Preliminary Site Plan Approval Subject to Conditions/Neg. Dec., dated January 27, 2010.

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

**Public Comments:**

Beth De Courcey, 9 Tory Circle, discussed her letter to the Board, dated May 4, 2010. She requested that the Board place a condition in the decision encumbering the use of the property for future parking uses. Ms De Courcey requested that a field fence be placed on the site during construction.

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

**SITE PLAN**

**DECISION: In view of the foregoing and the testimony before the Board, the application was GRANTED A FINAL SITE PLAN 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 applicant shall comply with all relevant and pertinent conditions of all Board Decisions: ACABOR #10-13, Approved with Conditions, dated May 6, 2010; ZBA #10-21, Approved Zoning Variances: Loading Berths and 280-a, dated April 21, 2010 and ZBA #10-22, Performance Standards Approved with Conditions, dated April 21, 201 and PB #09-11, Preliminary Site Plan Approval Subject to Conditions/Neg. Dec., dated January 27, 2010.

**PB #10-21: Crestron Electronics Site Plan; Final Site Plan Approval Subject to Conditions**

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4. The following variances were granted by the Town of Orangetown Zoning Board of Appeals on April 21, 2010 to the applicant:
  - ZBA #10-21: 18 External Loading Berths and a 280A Approval
  - ZBA #10-22: Performance Standards Approval
5. The Planning Boards granted a 5 year period for Phase II. (Condition #34 of PB #09-11:
  - “**34.** No Building Permit shall be issued for Phase II of the proposed development after 5 years from the date of filing the Site Plan. After that date, the applicant would need to appear in front of the Planning Board for review and approval of Phase II development”.
6. Sanitary calculations for the proposed site, including design calculations for the proposed private sewage pumping station, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval.
7. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater system shall be submitted to DEME and the Town Attorney’s Office for review and approval, in substance and form. Said agreement shall include a maintenance and management schedules, inspection check lists, contact person with telephone number, yearly report to be submitted to DEME, etc.
8. The revised Stormwater Pollution Prevention Plan and drainage calculations are currently under review by DEME.
9. The detail on drawing S-2 for the proposed roadway that is to be dedicated to the Town of Orangetown, shall be modified to indicate a 1 inch wearing course.
10. In the Planning Board’s Drainage Consultant’s previous review letters dated January 18, 2010, it was recommended acceptance for drainage subject to several conditions, the following of which have not been satisfied:
  - a. Construction details for headwalls drawn to scale have been provided. However, for HW-B1 on Drawing C-503, the label says see Detail A1 instead of B1. This must be corrected.
  - b. A detail for headwall HW-D1 has been added to Drawing S2. However, the detail is labeled Detail A-1 instead of Headwall D1. The minimum thickness of the stone layer is incorrectly shown as 12” on the detail instead of 14”. Actual thickness of this layer is dependent on the D50 stone size (i.e. the minimum thickness must be 14” for D50 = 6”).
  - c. A basin drain with a valve that will drain the permanent pool has been provided. However, the 6” gate valve on Drawing C-501 is mislabeled as 12” and must be revised.

**PB #10-21: Crestron Electronics Site Plan; Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**

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**Continuation of Condition #10...**

- d. The Applicant states that a Mosquito Breeding Prevention Plan was provided under separate cover. However, we did not receive this plan. The Applicant must obtain approval of a Mosquito Breeding Prevention Plan from the Rockland County Department of health.
- e. Rip Rap stone on the Emergency Spillway (Drawing C-501) is labeled 6" on the plan and 12" on the section. The drawing must be consistent and must be revised.
- f. Additional conditions may be added based on response to the above comments.

**11.** The Rockland county Department of Highway reviewed the Site Plan and offered the following concerns:

Rockland County Department of Highway poses no objection to the conceptual on Site Plan design. The development of this site will require public improvements within the County right of way in the form of new left turn lanes on both directions of Blaisdell Road at the Ramland Road un-signalized intersection. The applicant shall submit an additional off site improvement layout plan containing enhanced detail drawings demonstrating lane widths, stacking distances and transitions along this section of roadway. In addition, the site plan shall indicate the name of the party responsible for the installation of the turning lanes as well as details for the proposed materials that will be utilized. Rockland County Department of Highways request that all public improvements be installed prior to the facility be coming operational.

A Rockland County Highway Department Work Permit would be required for widening or lane striping that may be required along Blaisdell Road for the improvement and must be secured prior to the start of construction. The parking calculations are for the entire building, phases one and two. The applicant shall divide the total number of parking spaces required and provided into the amounts for each phase.

**12.** The Rockland County Department of Health reviewed the Site Plan prepared by McLaren Engineering Group dated December 18, 2009 and offer the following comments regarding the Site Plan:

**PB #10-21: Crestron Electronics Site Plan; Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**

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**Continuation of Condition #12...**

Formal application is to be made to the Rockland County Department of Health (RCDOH) for approval of the sewage disposal system. Plans are to include sanitary sewer profiles and an Engineers Report for the proposed pump station. Applicants Engineer shall contact Scott McKane for submission requirements.

Application is to be made to the RCDOH for a water main extension. This application is to be made through United Water New York.

RCDOH records how that there is an existing well on Lot #37. This well is to be shown on the Site Plans. A note is to be added that the well is to be decommissioned in accordance to Article II of the Rockland County Sanitary Code.

Separate application is to be made to the RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.

**13.** 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.

**14.** Copies of all correspondence, including any and all approvals with the New York State Department of Environmental Conservation, U.S. Army Corps. of Engineers, the Rockland County Drainage Agency, etc., in connection with this plan shall be supplied to the Planning Board and DEME, prior to signing of the map.

**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. However, the site appears to be located in close proximity to mapped federal wetlands. The RCDA suggests that the U.S. Army Corps of Engineers be contacted by the lead agency and requested to make a jurisdictional determination regarding the proposed activity.

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

Install an NFPA 13 compliant sprinkler system. The fire department connection shall be 22 ½ NST thread with protective covers and required signage for FDC.

Install and maintain an NFPA 72 compliant Fire Alarm System.

Maintain the sprinkler system according to NFPA 25.

Install amber and red exterior strobes as required by the Orangetown Code

Provide Key Box.



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**Continuation of Condition #16...**

Install and maintain portable fire extinguishers as required by NFPA 10.  
Install red and amber strobe lights according to Chapter 15 of the Orangetown Code.

Provide a Fire Lane around 100% of the entire building outside the collapse zone. This shall be noted and labeled on the Site Plan.

Provide and maintain Fire Lane/Zone signage and striping and show all signage and markings on the final approved Site Plan.

Apply for and maintain Certificate of Compliance Fire Safety with the Bureau of Fire Prevention.

**17.** The New York State Department of Environmental Conservation (NYSDEC) reviewed the Site Plan and determined that the project will require the following permits from the department:

Article 15, Projection of Waters

Compliance with the State Pollution Discharge Elimination System (SPDES)

General Permit for Stormwater Discharges from Construction Activities

Other evaluations during NYSDEC review of this project are Cultural Resources and review by the U.S. Army Corps of Engineers may be required for this project.

**18.** The Tappan Fire District requests that the applicant provide certification that road access over the existing bridge shown on the Site Plan be sufficient for emergency equipment that a building this size would require.

**19.** No parking shall be placed on the easterly side of the yard.

**20.** If the applicant wants to access the site using Orangeburg Road in Old Tappan, New Jersey, the applicant shall return to the Town of Orangetown Planning Board for review and approval.

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

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

**23. 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 #23....**

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.

- 24.** 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.
- 25.** 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.
- 26.** The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
- 27.** 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

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**Continuation of Condition #27...**

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).

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

**29.** 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

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

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

**CONDITIONAL USE PERMIT**

**DECISION:** In view of the foregoing and the testimony before the Board, the application was **GRANTED A CONDITIONAL USE PERMIT**, pursuant to Chapter 43, Section 8.1 of the Town of Orangetown Zoning Code, subject to Final Site Development Plan Approval and any conditions thereof. The Board made the following Findings and Comments:

The proposed use, size and character is in harmony with the development in the district in which it is proposed to be situated and will not be detrimental to the zoning classification of such properties.

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**Continuation of Conditional Use Permit**

The proposed location and size of the use, nature and intensity of operations involved, and the site layout in relation to access streets will not be hazardous to pedestrian or vehicular traffic.

The proposed location and height of the building and landscaping will not hinder or discourage development or use of adjacent land and buildings.

The proposed use will not require additional public services or create fiscal burdens upon the Town of Orangetown greater than those which characterize uses permitted by right.

The foregoing Resolution was made and moved by William Young and seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, absent, 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: June 9, 2010**

**Town of Orangetown Planning Board**

**PB #10-05: 155 Corporate Drive Site Plan: Preliminary Site Plan Approval  
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TO: Douglas Bartels, P.E., Russo Development, 560 Commerce Boulevard, Carlstadt, New Jersey 07072  
FROM: Orangetown Planning Board  
RE: Application of 155 Corporate Drive, Inc., owner, for Prepreliminary/Preliminary Site Plan Review, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 155 Corporate Drive, on the south side of Corporate Drive, 850 feet west of Olympic Drive, Orangeburg, New York. Tax Map: 73.15/1/18 & 73.19/1/1; LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held Wednesday, March 10, May 12 and June 9, 2010, the Board made the following determinations:

**March 10, 2010**

Douglas Bartels, Andy Del Vecchio and Frank Jakus appeared and testified.

The Board received the following communications:

1. Project Review Committee Reports dated January 20 and March 3, 2010.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated March 10 and January 27, 2010.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 4 and January 21, 2010.
4. Letters from HDR, signed by Harvey Goldberg, P.E., dated January 22 and March 4, 2010.
5. Letters from Rockland County Department of Planning, signed by Eileen Miller, dated January 14, 2010, and Salvatore Corallo, Commissioner of Planning, dated January 20, 2010.
6. Letters from the Rockland County Department of Highways, signed by Joseph Arena and Sonny Lin, P.E., dated January 21 2010.

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7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated December 10, 2009 and January 19, 2010.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated January 19, 2010.
9. Interdepartmental memorandums from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief, dated January 20 and March 3, 2010.
10. A letter from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, signed by Joseph R. Murray, Environmental Analyst I, dated December 14, 2009.
11. A Full Environmental Assessment Form signed by Edward Russo, Manager, dated November 30, 2009.
12. A Stormwater Pollution Prevention Plan, prepared by Douglas G. Bartels, P.E., dated October 30, 2009.
13. A Statement of Sewer Flow Calculation for 155 Corporate Drive, dated November 30, 2009.
14. A letter from Russo Development signed by Douglas G. Bartels, P.E., Vice President – Development, dated December 1, 2009
15. Plans prepared by Douglas G. Bartels, P.E. and Jack Shoemaker, PLS, dated October 30, 2009, revised February 17, 2010:
  - C1: Title Sheet
  - C2: Existing Conditions Plan
  - C3: Site Plan
  - C4: Grading & Drainage Plan
  - C5: Utility Plan
  - C6: Profiles
  - C7: Profiles
  - C8: Construction Details
  - C9: Construction Details
  - C10: Construction Details
  - C11: Landscape Plan
  - C12: Lighting Plan
  - C13: Landscape & Lighting Details
  - C14: Soil Erosion & Sediment Control Plan
  - C15: Soil Erosion & Sediment Control Plan
16. A copy of PB #08-46, Consultation, dated September 10, 2008.
17. A letter from Russo Development signed by Douglas Bartels, P.E., Vice President – Development, dated February 24, 2010.

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18. Stormwater Pollution Prevention Plan prepared by Russo Development, dated October 30, 2009.
19. Traffic Impact Analysis, prepared by Joseph Staigar Engineering, LLC, dated February 13, 2010.
20. Copy of a letter to Douglas Bartels, Russo Development from United Water New York, dated February 9, 2010.
21. Copy of a letter to Douglas Bartels, Russo Development from Rockland County Department of Health signed by Brian Kunderfund, Sr. Env. Health Specialist, dated January 15, 2010.
22. Sewer Flow Calculation for 155 Corporate prepared by Douglas Bartels, P.E., dated November 13, 2009.
23. A copy of a Permit Application from the Department of the Army, New York District, Corps of Engineers, dated February 3, 2010.
24. A copy of a letter to Edward Russo, President and Chief Operating Officer Russo Development, from Environmental Resource Specialists Consulting, Inc., dated February 17, 2010.
25. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, dated March 3, 2010.
26. Submitted at the meeting, a Summary of Notable Projects: Russo Development.
27. Submitted at the meeting, Photographs and Renderings of the Project Site, dated March 10, 2010.

The Board review the plans.

The applicant requested a **CONTINUATION**.

**May 12, 2010**

Douglas Bartels, Andy Del Vecchio and Frank Jakus appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated May 5, 2010.
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 12, 2010, with an attachment of the Full Environmental Assessment Form dated May 10, 2010.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., May 10, 2010.

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4. A letter from HDR, signed by Harvey Goldberg, P.E., dated May 9, 2010.
5. A letter signed by Salvatore Corallo, Commissioner of Planning, dated May 10, 2010.
6. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated May 10, 2010.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated April 13, 2010.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated April 13, 2010.
9. A letter from Thomas Skrable, P.E., Consulting Engineer, for the Borough of Old Tappan, New Jersey, dated May 3, 2010.
10. A revised Full Environmental Assessment Form signed by Edward Russo, Manager, dated April 8, 2009.
11. Copies of letters from ERS Consultants, Inc. to Edward Russo, President and Chief Operation Officer, Russo Development, from David Giggs, Senior Scientist, dated February 17, 2010.
12. A Statement of Sewer Flow Calculation for 155 Corporate Drive, dated April 8, 2009.
13. A letter from Russo Development signed by Douglas G. Bartels, P.E., Vice President – Development, dated April 8, 2010
14. A Stormwater Pollution Prevention Plan, prepared by Douglas G. Bartels, P.E., dated October 30, 2009, last revised April 5, 2010.
15. Plans prepared by Douglas G. Bartels, P.E. and Jack Shoemaker, PLS, dated October 30, 2009, last revised April 5, 2010:
  - C1: Title Sheet
  - C2: Existing Conditions Plan
  - C3: Site Plan
  - C4: Grading & Drainage Plan
  - C4.1: Stormwater Management Plan and Details
  - C4.2: Stormwater Management Plan and Details
  - C5: Utility Plan
  - C6: Profiles
  - C7: Profiles
  - C8: Construction Details
  - C9: Construction Details
  - C10: Construction Details
  - C11: Landscape Plan
  - C12: Lighting Plan
  - C13: Landscape & Lighting Details
  - C14: Soil Erosion & Sediment Control Plan
  - C15: Soil Erosion & Sediment Control Plan
  - CSK-1: Site Overlay Plan, dated April 8, 2010



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16. Submitted at meeting by Russo Development, Color renderings and Plans of Project Site, dated May 12, 2010.

17. Copy of the letter Russo Development mailed to abutting property owners, with list of property owners.

18. The same letter signed by multiple people dated April 2, 2010 from the following New Jersey residents: Richard and Antonee Suro, Alfonso Ferrara, Marie Adler Karvecas, Arthur De Simone, Mr. Gundidee, Mickey Sharma, Meliza Sharma, Thomas Zingarelli, John and Gayle Scirocco, Larry and Rosemary DelBaggio, Richard Muller Lisa and Jack Lauger and Mr. and Mrs. Carmine Cacuavillaini.

19. A letter signed by Clifford Powell, undated.

**Public Comments:**

Tom Herten, of Herten and Bernstein, attorneys representing Chon residents of 30 Corrigan Way, Old Tappan, New Jersey. Mr. Herten held that the Buildings Department did not call out the required zoning variances for the project site. The Planning Board should turn down the project since it would adversely impact the adjacent residential neighborhood and is not responsible development.

Phyllis Lieberman, 26 Corrigan Way, Old Tappan, New Jersey; submitted a handout to the Board, entitled Opposition to Variances for 155 Corporate Drive, Orangeburg, New York.

Joe Albano 10 Buckingham Place, Old Tappan, New Jersey; raised questions about how a traffic study was completed without a tenant for the structure. He also raised concerns regarding the glare of vehicular lights shining onto abutting properties. He provided a photograph of building he believed to be a similar type of development to the Board.

Alan Bell, a representative of the Borough of Old Tappan, raised concerns regarding the drainage impact on the Borough. He requested that the applicant Improved the existing drainage ditch. Mr. Bell also raised concerns regarding the number of loading docks noted on the site plan, and if the applicant would consider relocating the loading docks to the front of the structure.

Leslie Whatley, 6 Buckingham Place, Old Tappan, New Jersey; presented plans to the Board noting the grade differential between the existing houses in New Jersey and the proposed building. She noted that the building is massive in size and is not consistent with the existing structures in the area.

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Michael Lieberman, 26 Corrigan Way, Old Tappan, New Jersey; expressed concerns regarding the over development of the site. He noted the noise created on the site would disturb and impact his property. Mr. Lieberman held that the proposed development was inappropriate for the site.

Thomas Zingarelli, 46 Corrigan Way, Old Tappan, New Jersey; wanted to know why the loading docks were not placed on the north side of the structure where they would not disturb the residents.

Clifford Powell, 2 Buckingham Place, Old Tappan, New Jersey; reviewed the handout of similar structures constructed by Russo Development, requesting information regarding other buildings. He raised concerns regarding onsite parking and the LIO zoning.

Thomas Skrable, P.E., Consulting Engineer for the Borough of Old Tappan, New Jersey; raised concerns regarding an existing swale on the project site. He stated that it can not handle the additional drainage and the Board should review it. Also, if the Board could request the applicant to lower the first floor elevation of the structure, then the residents of Old Tappan would be looking at a lower building.

Rosemary Donahue, 2 Corrigan Way, Old Tappan, New Jersey; requested that the Board not grant the variances.

The applicant requested a **CONTINUATION**.

**June 9, 2010**

Douglas Bartels, Andy Del Vecchio and Frank Jakus appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated June 2, 2010.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated June 9, 2010.

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3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., June 3, 2010.
4. A letter from HDR, signed by Harvey Goldberg, P.E., dated June 6, 2010.
5. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael B. Bettmann, Chief Fire Inspector, dated June 1, 2010.
6. A letter from Russo Development signed by Douglas G. Bartels, P.E., Vice President – Development, dated May 25, 2010
7. Plans prepared by Douglas G. Bartels, P.E. and Jack Shoemaker, PLS, dated October 30, 2009, last revised May 21, 2010:
  - C1: Title Sheet
  - C2: Existing Conditions Plan
  - C3: Site Plan
  - C4: Overall Grading Plan
  - C4.1: Grading & Drainage Plan 10
  - C4.2: Stormwater Management Plan and Details
  - C4.3: Stormwater Management Plan and Details
  - C5: Utility Plan
  - C6: Profiles
  - C7: Profiles
  - C8: Construction Details
  - C9: Construction Details
  - C10: Construction Details
  - C11: Landscape Plan
  - C12: Lighting Plan
  - C13: Landscape & Lighting Details
  - C14: Soil Erosion & Sediment Control Plan
  - C15: Soil Erosion & Sediment Control Plan
8. Submitted at the meeting, Revised Plan, prepared by Russo Development:
  - Revised Site Plan (May 2010) A3.2, dated June 9, 2010
  - Revised Improvements Setback A4, dated June 9, 2010
9. Traffic Impact Analysis, prepared by Joseph Staigar Engineering, LLC, dated February 13, 2010, revised May 26, 2010.

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10. A Stormwater Pollution Prevention Plan, prepared by Douglas G. Bartels, P.E., dated October 30, 2009, last revised May 21, 2010.

11. A letter from Herten Burstein, signed by Thomas J. Herten, dated June 9, 2010.

**Public Comments:**

Michael Lieberman, 26 Corrigan Way, Old Tappan, New Jersey; requested information regarding the types of zoning variances requested by the applicant. He noted that trees are not sufficient to screen the proposed structure and said that vehicle headlights shine through the screening from the Verizon site. Mr. Lieberman raised concerns regarding the noise pollution from the project site and requested the structure could be lowered.

Joe Albano 10 Buckingham Place, Old Tappan, New Jersey; raised questions regarding the omission in the traffic study. It appears that the number of trucks to the site during the day were not listed in the report. Mr. Albano requested information regarding the height of the proposed fence on the site and if the site would be in operation on Saturdays and Sundays. He submitted a chart entitled ITE Trip Generation Rates – 8<sup>th</sup> Edition.

Leslie Whatley, 6 Buckingham Place, Old Tappan, New Jersey; questioned the Board regarding the why the Board entertained the application without a tenant for the structure. She said that the building is too big for the site and requested information regarding the chillers to be used on the building. Ms. Whatley asked the Board to request the applicant to conduct a Wind Study.

Stephanie Choi, representative of the Borough of Old Tappan, emphasized the project's impact on the existing drainage ditch in Borough of Old Tappan. Also, Ms Choi reiterated the Borough's request to lower the first floor elevation of the building.

Phyllis Lieberman, 26 Corrigan Way, Old Tappan, New Jersey; noted that she will see the proposed building from her house and requested information regarding the hours of operation. Ms. Lieberman wanted to know if the proposed 6 foot fence would help in noise reduction coming from the site.

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Kathy Fable, 14 Stewart Court, Old Tappan, New Jersey; felt that the project was huge, would be a detriment to her neighborhood and that noise pollution will impact the area. Ms. Fable expressed that the project is twice what the zoning allows in the Town of Orangetown.

Rosemary Donahue, 2 Corrigan Way, Old Tappan, New Jersey; said that she lives behind the existing Kebbler site and she deals with the current noise produce from that site. She expressed concerns regarding the proposed height of the building and that the project would decrease the quality of life in the neighborhood.

Tom Herten, of Herten and Bernstein, attorneys representing Chon residents of 30 Corrigan Way, Old Tappan, New Jersey. Mr. Herten expressed concerns regarding the impact of the neighborhood's quality of life resulting from the implementation of the proposed project. He discussed the project and the Town of Orangetown building ordinances, noting that the building is large. Mr. Herten said that he does not believe that the Planning Board has the authority to allow an encroachment on Old Tappan properties. Mr. Herten noted that the propose building could not be adequately screened. He requested information regarding the types of zoning variances that the applicant is seeking. Mr. Herten submitted a plan entitled "Proposed Warehouse/Office Building", unsigned and unsealed, dated May 11, 2010.

Maire Adler Kravecias, 22 Stewart Court, Old Tappan, New Jersey; felt that the building was too large for the site and requested that the applicant submit a scaled "Line of Sight Plan".

Donna Weissman, 34 Corrigan Way, Old Tappan, New Jersey; noted that she lives the length of two football fields away from the Verizon site and she can still see it from her property. She raised concerns regarding the environmental impact to the neighborhood from the project site. Ms. Weissman discussed ponding on the site, drainage impact to the area. She held that the proposal was wrong for the site.

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

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

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant’s professional representatives, namely Douglas G. Bartels, P.E. and Jack Shoemaker, PLS and the Town of Orangetown’s engineering consultant, Henningson, Durham & Richardson (HDR), 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; Fire Prevention Bureau, and having heard from the following involved and interested agencies: New York State Department of Environmental Conservation, Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Drainage Agency,

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Rockland County Department of Health and Rockland County Sewer District No.1, and having reviewed a proposed Site plan by prepared by Douglas G. Bartels, P.E. and Jack Shoemaker, PLS, dated October 30, 2009, last revised May 21, 2010 and a Traffic Impact Analysis, prepared by Joseph Staigar Engineering, LLC, dated February 13, 2010, revised May 26, 2010; a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

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

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A motion was made to reopen the Public Hearing portion of the meeting to discuss the Site Plan Application was made by Kevin Garvey and second by John Foody and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; Robert Dell, absent; John Foody, aye; Jeffrey Golda, aye and Kevin Garvey.

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

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

1. The following note shall be placed on the site plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations
3. The Full Environmental Assessment Form has been revised based on the revised Site Plan submitted. Part 2 and 3 of the Full EAF have been completed by the Director, Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown. The Planning Board as lead agency shall review the Full EAF and make changes as they determine necessary.
4. A Covenant shall be prepared to the satisfaction of the Town of Orangetown Town Attorney regarding the parking lot on Tax Lot #73.19/1/1 and its use for Tax Lot #73.15/1/1.
5. Parking in the required yards is not permitted unless approved by the Planning Board. (Section 3.11, LO District, Column 7, Item 3).



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

a) Minimum Front Yard Setback                      100 required                      50.5 feet proposed  
(Table 3.12, LIO District, CC Group, Column 8)

b) Maximum Building Height                      12.5 ft. allowed                      44 feet proposed  
(This is maximum building height allowed taken from the front yard setback which is 50 feet. Table 3.12, LIO District, CC Group, Column 12)

c) Total Parking Spaces                      499 spaces                      251 provided  
(The total parking spaces required can be based on 1 space/2 employees for warehouse use. Table 3.11, LIO District, Item 6, Column 6)

d) Loading Berths are required to be within a completely enclosed building. The proposed loading berths are exterior.  
(Section 3.11, LO District, Column 7, Item 1).

**7.** A Jurisdictional Determination letter from the Army Corp of Engineers shall be provided.

**8.** The Town of Orangetown Architecture and Community Appearance Board of Review shall review the lighting, landscaping, Site Plan and building façade.

**9.** The Traffic Impact Analysis prepared by Joseph Staigar has been reviewed. The conclusion from Mr. Staigar is the warehouse development at 155 Corporate Drive "will not significantly impact traffic conditions in the vicinity of the site. The Traffic Impact Analysis shall contain the seal of the New York State Licensed P.E.

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

**11.** The Soil Erosion and Sediment Control Plans and Details are under review by DEME.

**12.** A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater system shall be submitted to DEME and the Town Attorney's Office for review and approval, in substance and form. Said agreement shall include a maintenance and management schedules, inspection check lists, contact person with telephone number, yearly report to be submitted to DEME, etc.

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

**14.** In the previous review letter dated May 9, 2010, from the Planning Board's Drainage Consultant, recommended acceptance for drainage subject to several conditions. Upon review of the current submittal, the Drainage Consultant found that all but the following conditions have been satisfied:

The Applicant must provide an approval letter from the Rockland County Department of Health indicating their approval of the proposed Mosquito Breeding Prevention Plan.

Additional conditions may be added based on response to these conditions.

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

A review shall be completed by the Borough of Old Tappan, New Jersey and their comments considered and satisfactorily addressed.

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

A review of the wetlands on the site shall be completed by the New York State Department of Environmental Conservation and any required permits obtained.

The concern expressed in the May 10, 2010 letter from the Rockland County Highway Department, regarding the need for a traffic study, shall be addressed 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.

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

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**Continuation of Condition #15...**

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.

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

The fire department connections shall be designated on the Site Plan and kept clear for easy access by the emergency response vehicles.

The landscaping, lighting and signage plans shall meet all Town of Orangetown standards.

The landscape plan shall be supplemented with row(s) of evergreen trees, sited among the existing trees in the buffer area along the southern boundary, which will eventually provide a year round visual screen for the residential uses to the south.

The grading plan shows the proposed new contours. The contours in the southeastern portion of the site do not meet properly by the new curbed area. Contour 86 is meeting with contour 84. This shall be corrected. In addition, the new contours in several areas will result in very unnatural and steep slopes, potentially negatively impacting the adjacent property owners. The run-off in the southwestern portion of the site will flow towards the adjacent residential properties in the Borough of Old Tappan, and at an accelerated rate. The applicant must resolve these grading issues.

Since the site is expected to generate significant truck traffic, it is recommended that signs be placed in loading areas to remind truck operators of the idling time limits of state law (5 minutes) and county law (3 minutes) so as to minimize air pollution impacts on neighboring residential to the south.

There shall be no net increase in stormwater runoff from the site.

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.

If any variances will be needed to implement the proposed site plan, the Rockland County Department of Planning requests the opportunity to review the proposed variances, as required by New York State General Municipal Law, Section 239-m(3)(v).

On the Cover Sheet, in the list of variances requested, there is a typographical error indicating that the proposed building height is 48' rather than 44'.

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**Continuation of Condition #15...**

On Sheet C3 – Site Plan, in Survey Note #4, a reference is made to the Orangeburg Planning Commission. This reference shall be corrected to refer to the Orangetown Planning Board.

**16.** A traffic impact and access assessment shall be prepared to determine what impact, if any the proposed addition will have upon the county roads and intersections. The study shall include a discussion regarding hours of operation and what kind of signalization or operations may be needed to mitigate any potential traffic impact. The traffic impact information shall include Blaisdell Road/Veterans Memorial Drive and Hunt Road/Orangeburg Road Intersections. Since there is another major development on Ramland Road along the Blaisdell Road corridor, the cumulative effect of the increase in traffic shall be considered and discussed within the traffic impact study.

**17.** The Rockland County Department of Health reviewed the Site Plan and noted that all comments from its previous correspondence of December 10, 2009 and January 19, 2010 have been adequately addressed. After receiving Final Approval, the applicant shall forward three (3) sets of plans to the Rockland County Department of Health to be stamped and signed as approved.

**18.** A note shall be added to the plan stating that a Certificate of Occupancy for the building is not be released prior to a Certificate of Approval being issued by the Rockland County Department of Health.

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

**20.** The project site contains federal wetlands. The U.S. Army Corps of Engineers has authority under federal law to regulate wetlands in New York State. A COE permit may be required. The applicant shall contact the COE. Since the project activities will involve land disturbance of over 1 acre, the project sponsor is required to obtain a State Pollution Discharge Elimination System General Permit for Stormwater Discharge From Construction Activities. Since this site is within a MS4 area (Municipal Separate Storm Sewer System), the SWPPP must be reviewed and accepted by the municipality and the MS-4 Acceptance Form must be submitted the NYSDEC. Authorization for coverage under the SPDES General Permit is not granted until the NYSDEC issues any other necessary DEC permits. It is possible that the NYSDEC permit requirements may change based upon additional information received or as project modification occur.

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**21.** Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is not required based upon its review of the information provided. However, a portion of the site appears to be located in within mapped federal wetlands. The RCDA suggests that the U.S. Army Corps of Engineers be contacted by the lead agency and requested to make a jurisdictional determination regarding the proposed activity.

**22.** The Pearl River Fire District requests that a fire hydrant be installed on the north side of Corporate Drive, no less than 500 feet from the existing hydrant, located east of the entrance to #30 Corporate Drive. This note shall be placed on the Site Plan and the plan shall be approved the Fire District.

**23.** The Town of Orangetown Bureau of Fire Prevention had the following comments in regards to the proposed development:

The fire road around the rear (south) if it can not be out of the collapse zone or in the buffer zone, it is OK to place it close to the rear (south) wall.

The sprinkler system must be designed to protect the commodity that is being stored on the rack.

The Fire Department Access road around the back of the building to be 20 feet wide with an overhead clearance of 13 feet, 6 inches, at least the height of the wall away from the rear wall and any other walls in the vicinity.

If the space is to be subdivided, the plan shall note how and what commodity will be protected by the Fire Sprinkler system and the Fire Alarm system.

If the space is to be subdivided, the Fire Sprinklers and the Fire Alarm shall be adaptable to be monitored by each division (zoned).

**24.** The applicant shall raise the height of the proposed fence on the site.

**25.** The height of the trees in the rear yard shall be designated on the plan on the Site Plan.

**26.** There shall be no further subdivision of the property across the street from the project site.

**27.** The 40 foot easement to the Town of Orangetown shall be shown on the Site Plan.

**28.** The applicant shall review the ITE Traffic Study.

**29.** 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
- Rockland County Sewer District #1
- Rockland County Department of Health
- Rockland County Department of Highways
- Town of Orangetown Zoning Board of Appeals
- New York State Department of Environmental Conservation

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

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

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

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

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

One (1) foot radius from trunk per inch DBH

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

Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.

Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

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

**33.** All landscaping shown on the site plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

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**34.** 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.

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

**36.** 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).

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

**38.** 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

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

**Override**

The Board made a motion to override Condition #11 of the May 10, 2010 letter from Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, for the following reason:

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**Override Continued.....**

“11. In consideration of potential noise impacts on the residential area to the south, we recommend that the loading berths be completely enclosed, as required by the Town Code, and that, if possible, the trash compactors also be enclosed”.

The Planning Board held the applicant intends to request the Town of Orangetown Zoning Board of Appeals for the needed variance(s).

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

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

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

**Dated: June 9, 2010  
Town of Orangetown Planning Board**



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

**PB #10-05 and PB #10-20**  
**155 Corporate Drive Site Plan and Internal Commercial Subdivision Plan**

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

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

**NAME OF ACTION: 155 Corporate Drive Site Plan and Internal Commercial Subdivision Plan**

**SEQR STATUS:** Type I \_\_\_\_\_ Unlisted XXXXXX

**CONDITIONED NEGATIVE DECLARATION:** Yes \_\_\_\_\_ No XXXXXX

**DESCRIPTION OF ACTION:** Site Plan and Internal Commercial Subdivision Plan

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

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

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

**PB #10-20: 155 Corporate Drive Internal Commercial Subdivision Plan:  
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TO: Douglas Bartels, P.E., Russo Development, 560 Commerce Boulevard, Carlstadt, New Jersey 07072  
FROM: Orangetown Planning Board  
RE: Application of 155 Corporate Drive, Inc., owner, for Prepreliminary/Preliminary/Final Internal Commercial Subdivision Plan Review, for a site to be known as "155 Corporate Drive Internal Commercial Subdivision Plan", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 155 Corporate Drive, on the south side of Corporate Drive, 850 feet west of Olympic Drive, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.15, Block 1, Lot 18 & Section 73.19, Block 1, Lot 1 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, May 12 and June 9, 2010**, the Board made the following determinations:

**May 12, 2010**

Douglas Bartels, Andy Del Vecchio and Frank Jakus appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated May 5, 2010.
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 12, 2010.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., May 10, 2010.
4. Letters from Rockland County Department of Planning, signed by Eileen Miller, Salvatore Corallo, Commissioner of Planning, dated May 10, 2010.
5. Letters from the Rockland County Department of Highways, signed by Joseph Arena, May 7, 2010 and Sonny Lin, P.E., dated May 10, 2010.
6. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated April 13, 2010.

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7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated April 12, 2010.
8. A letter from the New York State Department of Environmental Conservation Division of Environmental Permits, Region 3, signed by Amy Daggett, dated April 26, 2010.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, dated April 21, 2010.
10. A Short Environmental Assessment Form signed by Edward Russo, Manager, dated April 8, 2010.
11. A letter from Russo Development signed by Douglas G. Bartels, P.E., Vice President – Development, dated April 8, 2010.
12. Plans prepared by Douglas G. Bartels, P.E. and Jack Shoemaker, PLS, dated February 17, 2010, revised April 5, 2010:  
CS1: Commercial Subdivision Plan
13. A copy of PB #08-46, Consultation, dated September 10, 2008.
14. Submitted at meeting by Russo Development, Color renderings and Plans of Project Site, dated May 12, 2010.
15. Copy of the letter Russo Development mailed to abutting property owners, with list of property owners.
16. The same letter signed by multiple people dated April 2, 2010 from the following New Jersey residents: Richard and Antonee Suro, Alfonso Ferrara, Marie Adler Karvecas, Arthur De Simone, Mr. Gundidee, Mickey Sharma, Meliza Sharma, Thomas Zingarelli, John and Gayle Scirocco, Larry and Rosemary DelBaggio, Richard Muller Lisa and Jack Lauger and Mr. and Mrs. Carmine Cacuvillaini.
17. A letter signed by Clifford Powell, undated.

**Public Comments:**

Tom Herten, of Herten and Bernstein, attorneys representing Chon residents of 30 Corrigan Way, Old Tappan, New Jersey. Mr. Herten held that the Buildings Department did not call out the required zoning variances for the project site. The Planning Board should turn down the project since it would adversely impact the adjacent residential neighborhood and is not responsible development.

Phyllis Lieberman, 26 Corrigan Way, Old Tappan, New Jersey; submitted a handout to the Board, entitled Opposition to Variances for 155 Corporate Drive, Orangeburg, New York.

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Joe Alban, 10 Buckingham Place, Old Tappan, New Jersey; raised questions about how a traffic study was completed without a tenant for the structure. He also raised concerns regarding the glare of vehicular lights shining onto abutting properties. He provided a photograph of building he believed to be a similar type of development to the Board.

Alan Bell, a representative of the Borough of Old Tappan, raised concerns regarding the drainage impact on the Borough. He requested that the applicant improve the existing drainage ditch. Mr. Bell also raised concerns regarding the number of loading docks noted on the site plan, and if the applicant would consider relocating the loading docks to the front of the structure.

Leslie Whatley, 6 Buckingham Place, Old Tappan, New Jersey; presented plans to the Board noting the grade differential between the existing houses in New Jersey and the proposed building. She noted that the building is massive in size and is not consistent with the existing structures in the area.

Michael Lieberman, 26 Corrigan Way, Old Tappan, New Jersey; expressed concerns regarding the over development of the site. He noted the noise created on the site would disturb and impact his property. Mr. Lieberman held that the proposed development was inappropriate for the site.

Thomas Zingarelli, 46 Corrigan Way, Old Tappan, New Jersey; wanted to know why the loading docks were not placed on the north side of the structure where they would not disturb the residents.

Clifford Powell, 2 Buckingham Place, Old Tappan, New Jersey; reviewed the handout of similar structures constructed by Russo Development, requesting information regarding other buildings. He raised concerns regarding onsite parking and the LIO zoning.

Thomas Skrable, P.E., Consulting Engineer for the Borough of Old Tappan, New Jersey; raised concerns regarding an existing swale on the project site. He stated that it can not handle the additional drainage and the Board should review it. Also, if the Board could request the applicant to lower the first floor elevation of the structure, then the residents of Old Tappan would be looking at a lower building.

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Rosemary Donahue, 2 Corrigan Way, Old Tappan, New Jersey; requested that the Board not grant the variances.

The applicant requested a **CONTINUATION**.

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Douglas Bartels, Andy Del Vecchio and Frank Jakus appeared and testified. The Board received the following communications:

The Board received the following communications:

1. Project Review Committee Report dated June 2, 2010.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated June 9, 2010.
3. A letter from Russo Development signed by Douglas G. Bartels, P.E., Vice President – Development, dated May 25, 2010
4. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael B. Bettmann, Chief Fire Inspector, dated June 1, 2010.
5. Plans prepared by Douglas G. Bartels, P.E. and Jack Shoemaker, PLS, dated October 30, 2009, last revised May 21, 2010:
  - C1: Title Sheet
  - C2: Existing Conditions Plan
  - C3: Site Plan
  - C4: Overall Grading Plan
    - C4.1: Grading & Drainage Plan 10
    - C4.2: Stormwater Management Plan and Details
    - C4.3: Stormwater Management Plan and Details
  - C5: Utility Plan
  - C6: Profiles
  - C7: Profiles
  - C8: Construction Details
  - C9: Construction Details
  - C10: Construction Details
  - C11: Landscape Plan
  - C12: Lighting Plan
  - C13: Landscape & Lighting Details
  - C14: Soil Erosion & Sediment Control Plan
  - C15: Soil Erosion & Sediment Control Plan
  - CS1: Commercial Subdivision Plan

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6. Traffic Impact Analysis, prepared by Joseph Staigar Engineering, LLC, dated February 13, 2010, revised May 26, 2010

7. A Stormwater Pollution Prevention Plan, prepared by Douglas G. Bartels, P.E., dated October 30, 2009, last revised May 21, 2010.

**Public Comments:**

Michael Lieberman, 26 Corrigan Way, Old Tappan, New Jersey; requested information regarding the types of zoning variances requested by the applicant. He noted that trees are not sufficient to screen the proposed structure and said that vehicle headlights shine through the screening from the Verizon site. Mr. Lieberman raised concerns regarding the noise pollution from the project site and requested the structure could be lowered.

Joe Albano 10 Buckingham Place, Old Tappan, New Jersey; raised questions regarding the omission in the traffic study. It appears that the number of trucks to the site during the day were not listed in the report. Mr. Albano requested information regarding the height of the proposed fence on the site and if the site would be in operation on Saturdays and Sundays. He submitted a chart entitled ITE Trip Generation Rates – 8<sup>th</sup> Edition.

Leslie Whatley, 6 Buckingham Place, Old Tappan, New Jersey; questioned the Board regarding the why the Board entertained the application without a tenant for the structure. She said that the building is too big for the site and requested information regarding the chillers to be used on the building. Ms. Whatley asked the Board to request the applicant to conduct a Wind Study.

Stephanie Choi, representative of the Borough of Old Tappan, emphasized the project's impact on the existing drainage ditch in Borough of Old Tappan. Also, Ms Choi reiterated the Borough's request to lower the first floor elevation of the building.

Phyllis Lieberman, 26 Corrigan Way, Old Tappan, New Jersey; noted that she will see the proposed building from her house and requested information regarding the hours of operation. Ms. Lieberman wanted to know if the proposed 6 foot fence would help in noise reduction coming from the site.

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Kathy Fable, 14 Stewart Court, Old Tappan, New Jersey; felt that the project was huge, would be a detriment to her neighborhood and that noise pollution will impact the area. Ms. Fable expressed that the project is twice what the zoning allows in the Town of Orangetown.

Rosemary Donahue, 2 Corrigan Way, Old Tappan, New Jersey; said that she lives behind the existing Kebbler site and she deals with the current noise produce from that site. She expressed concerns regarding the proposed height of the building and that the project would decrease the quality of life in the neighborhood.

Tom Herten, of Herten and Bernstein, attorneys representing Chon residents of 30 Corrigan Way, Old Tappan, New Jersey. Mr. Herten expressed concerns regarding the impact of the neighborhood's quality of life resulting from the implementation of the proposed project. He discussed the project and the Town of Orangetown building ordinances, noting that the building is large. Mr. Herten said that he does not believe that the Planning Board has the authority to allow an encroachment on Old Tappan properties. Mr. Herten noted that the propose building could not be adequately screened. He requested information regarding the types of zoning variances that the applicant is seeking. Mr. Herten submitted a plan entitled "Proposed Warehouse/Office Building", unsigned and unsealed, dated May 11, 2010.

Maire Adler Kravecias, 22 Stewart Court, Old Tappan, New Jersey; felt that the building was too large for the site and requested that the applicant submit a scaled "Line of Sight Plan".

Donna Weissman, 34 Corrigan Way, Old Tappan, New Jersey; noted that she lives the length of two football fields away from the Verizon site and she can still see it from her property. She raised concerns regarding the environmental impact to the neighborhood from the project site. Ms. Weissman discussed ponding on the site, drainage impact to the area. She held that the proposal was wrong for the site.

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

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

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant’s professional representatives, namely Douglas G. Bartels, P.E. and Jack Shoemaker, PLS and the Town of Orangetown’s engineering consultant, Henningson, Durham & Richardson (HDR), 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; Fire Prevention Bureau, and having heard from the following involved and interested agencies: New York State Department of Environmental Conservation, Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Drainage Agency,



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Rockland County Department of Health and Rockland County Sewer District No.1, and having reviewed a proposed Site plan by prepared by Douglas G. Bartels, P.E. and Jack Shoemaker, PLS, dated October 30, 2009, last revised May 21, 2010 and a Traffic Impact Analysis, prepared by Joseph Staigar Engineering, LLC, dated February 13, 2010, revised May 26, 2010; a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

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

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A motion was made to reopen the Public Hearing portion of the meeting to discuss the Internal Subdivision Application was made by Kevin Garvey and second by John Foody and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; Robert Dell, absent; John Foody, aye; Jeffrey Golda, aye and Kevin Garvey.

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

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

1. The following note shall be placed on the Subdivision Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations
3. The Short Environmental Assessment appears to be in order.
4. The Town of Orangetown Bureau of Fire Prevention had the following comments in regards to the proposed development:
  - Apply for and maintain a Certificate of Compliance Fire Safety with the Town of Orangetown Bureau of Fire Prevention.
  - The Fire Sprinkler system will have the ability to shut one side off and leave the other side in service.
  - The addressable fire alarm be zoned for each tenant, with separate amber strobes for each tenant.
  - Individual Key Boxes for each tenant shall be installed.
  - The Fire Sprinklers and the Fire Alarm shall be adaptable to be monitored by each division (zoned).
  - The fire road around the rear (south) if it can not be out of the collapse zone or in the buffer zone, it is OK to place it close to the rear (south) wall.
  - The sprinkler system must be designed to protect the commodity that is being stored on the rack.

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

A review shall be completed by the Borough of Old Tappan, New Jersey and their comments considered and satisfactorily addressed.

A note or calculations showing how the provided parking spaces will be used to serve the parking demand associated with each of the tow units shall be added to the Commercial Subdivision Plan.

As required by 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.

If any variances will be needed to implement the proposed subdivision plan, the Rockland County Department of Planning requests the opportunity to review the proposed variances, as required by New York State General Municipal Law, Section 239-m(3)(v).

**6.** A traffic impact and access assessment shall be prepared to determine what impact if any the proposed addition will have upon the county roads and intersections. The study shall include a discussion regarding hours of operation and what kind of signalization or operations may be needed to mitigate any potential traffic impact. The traffic impact information shall include Blaisdell Road/ Veterans Memorial Drive and Hunt Road/ Orangeburg Road intersections. Since there is another major development (Crestron Electronics facilities) being considered for development on Ramland Road along the Blaisdell Road corridor, the cumulative effect of the increase in traffic shall be considered and discussed within the traffic impact study.

**7.** Rockland County Sewer District No. 1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and the District requests no future correspondence for this site.

**8.** 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
- Rockland County Sewer District #1
- Rockland County Department of Health
- Rockland County Department of Highways
- Town of Orangetown Zoning Board of Appeals

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

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

The foregoing Resolution was made and moved by Bruce Bond and seconded by William Young and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, absent 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: June 9, 2010  
Town of Orangetown Planning Board**

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

**PB #10-05 and PB #10-20  
155 Corporate Drive Site Plan and Internal Commercial Subdivision Plan**

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

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

**NAME OF ACTION: 155 Corporate Drive Site Plan and Internal Commercial Subdivision Plan**

**SEQR STATUS:** Type I \_\_\_\_\_ Unlisted XXXXXX

**CONDITIONED NEGATIVE DECLARATION:** Yes \_\_\_\_\_ No XXXXXX

**DESCRIPTION OF ACTION:** Site Plan and Internal Commercial Subdivision Plan

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

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

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

