

**TOWN OF ORANGETOWN PLANNING BOARD**  
**Virtual Meeting of Thursday, November 12, 2020**

**MEMBERS PRESENT:**

Thomas Warren, Chairman  
Michael Mandel  
Andrew Andrews  
Robert Dell

William Young, Vice-Chairman  
Michael McCroly  
Stephen Sweeney

**MEMBER ABSENT:** Bruce Bond (alternate)

**ALSO, PRESENT:** Jane Slavin, Director, Office of Building, Zoning, Planning Administration and Enforcement; Rick Pakola, Deputy Town Attorney; Cheryl Coopersmith, Chief Clerk Boards and Commissions

Thomas Warren, Chairman, called the meeting to order at 7:30 p.m.  
Mr. Warren 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>Bergson Subdivision – Lot 3.1-2 Site Plan</b>	<b>PB#20-46</b>
Final Site Plan Review	Final Site Plan
Palisades Historic Area	Approval Subject
56 Woods Road, Palisades	to Conditions
78.18/1/3.1-2; R-80 zoning district	

<b>Dionne's Way Site Plan</b>	<b>PB #20-47</b>
Final Site Plan Review	Final Site Plan
12-16 North Main Street, Pearl River	Approval Subject
68.16/6/67; PAC zoning district	to Conditions

<b>SMK Greene Subdivision Plan</b>	<b>PB#20-48</b>
Compliance with Condition #4	Complied with
of PB#20-20 Return to Planning	PB#20-20
after ZBA review of plans	and Reaffirmation
and Reaffirmation of SEQRA	of SEQRA
318 Western Highway, Tappan	
74.18/2/34; R-15 zoning district	

<b>Orange Bank &amp; Trust Site Plan</b>	<b>PB#20-49</b>
Final Site Plan Review	Final Site Plan
374 South Middletown Road, Nanuet	Approval Subject
64.17/1/78; CO zoning district	to Conditions

<b>Ebenezer Full Gospel Church</b>	<b>PB#20-50</b>
<b>Building Addition Site Plan</b>	Continued:
Prepreliminary/ Preliminary/	Evaluate Parking
Final Site Plan and SEQRA Review	
136 Sunset Road, Blauvelt	
70.05/1/16; R-80 zoning district	

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**TOWN OF ORANGETOWN PLANNING BOARD**  
**Virtual Meeting of Thursday, November 12, 2020**

**700 Bradley Hill Road Site Improvement Plan** PB#20-44  
Prepreliminary/ Preliminary/ Preliminary Site Plan  
Final Site Plan and SEQRA Review Approval Subject  
700 Bradley Hill Road, Blauvelt to Conditions  
65.18/1/4; LI zoning district Neg. Dec.

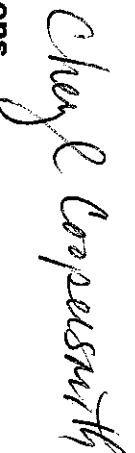
**800 Bradley Hill Road Site Improvement Plan** PB#20-45  
Prepreliminary/ Preliminary/ Preliminary Site Plan  
Final Site Plan and SEQRA Review Approval Subject  
800 Bradley Hill Road, Blauvelt to Conditions  
65.18/1/3; LI zoning district Neg. Dec.

The decisions of the October 28, 2020 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; William Young - Vice-Chairman, aye; Michael Mandel, aye; Stephen Sweeney, aye; Robert Dell, aye; Michael McCrory, aye; Bruce Bond, absent and Andrew Andrews, aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Michael Mandel and seconded by Andrew Andrews and agreed to by all in attendance. The meeting was adjourned at 11:00 p.m. The next Planning Board meeting is scheduled for December 9, 2020.

**DATED: November 12, 2020**

**Cheryl Coopersmith**  
**Chief Clerk Boards and Commissions**  
**Town of Orangetown Planning Board**



**PB #20-46: Bergson/Gluckstern Site Plan – Lot #3.1-2 Permit #50062**  
**Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**  
**November 12, 2020**  
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**TO: Walter Aurell, 171 Kings Highway, Orangeburg, New York**  
**FROM: Orangetown Planning Board**

**RE: Bergson/Gluckstern Site Plan – Lot 3.1-2:** The application of Walter Aurell, applicant, for Simon Bergson, owner, for Final Site Plan Review at a site to be known as “**Bergson/Gluckstern 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 56 Woods Road, Palisades, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 78.18, Block 1, Lot 3.1-2 in the R-80 zoning district.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held Thursday, **November 12, 2020**, at which time the Board made the following determinations:

Walter Aurell and Jay Greenwell appeared and testified.

The Board received the following communications:

1. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated November 2, 2020.
2. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated November 10, 2020.
3. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated November 11, 2020.
4. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated November 2, 2020.
5. A notice from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated October 26, 2020.
6. An email from the Palisades Interstate Commission, signed by Karl Roecker, Senior Landscape Architect, dated November 6, 2020.
7. An email from the New York/New Jersey Trail Conference from Kathleen Bezik, dated November 11, 2020.
8. A Project Narrative prepared by Walter Aurell, RA.
9. Board Decisions: ACABOR #20-53, Approved as Presented, dated October 13, 2020 and PB#20-53, Preliminary Site Plan Subject to Conditions/ Neg. Dec., dated September 9, 2020.
10. Building Permit Referral to the Planning Board dated May 26, 2020 prepared by Rick Oliver, Building Inspector.

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Town of Orangetown Planning Board Decision  
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11. Site Plan prepared by David Getz, PE and Jay Greenwell, PLS last revised October 23, 2020; C1 and C2.
12. Landscaping Plan entitled “Bergson/Gluckstern Residence”, prepared by Colgan Perry Lawler Aurell Architects.
13. A Drainage Report prepared by David Getz, PE, dated August 3, 2020, last revised October 7, 2020.
14. A Response comment letter prepared by Lehman & Getz Consulting Engineers, signed by David Getz, P.E., dated October 7, 2020.

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

There being no one from the Public, a motion was made to close the Public Hearing portion of the meeting by Michael Mandel and second by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, aye, Bruce Bond, absent and Michael McCrory, aye.

**REAFFIRMATION OF SEQRA**

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 Walter Aurell and Jay Greenwell and the Town of Orangetown's engineering consultant, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies, Rockland County Department of Planning, Rockland County Department of Highway, Rockland County Department of Health, the Planning Board finds that the proposed action:

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- 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 Michael Mandel and seconded by William Young and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, aye, Bruce Bond, absent and Michael McCrory, aye, the Board Reaffirmed the Negative Declaration pursuant to SEQRA.

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

OFFICE SUPERVISOR

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**PB #20-46: Bergson Site Plan – Lot #3.1-2  
Final Site Plan Approval Subject to Conditions**

**Permit #50062**

**Town of Orangetown Planning Board Decision  
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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. All outdoor construction activities, including site-clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.
4. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained and the Final Site Plan is stamped by the Chief Clerk to the Board.
5. The applicant shall comply with all pertinent and applicable Board Decisions: ACABOR #20-53, Approved as Presented, dated October 15, 2020; HABR #20-17, Approved as Presented, dated October 13, 2020 and PB#20-53, Preliminary Site Plan Subject to Conditions/ Neg. Dec., dated September 9, 2020.
6. The soil erosion and sediment control plan is under review by DEME, but SEESC facilities shall be shown around the proposed stormwater storage area, utility installation areas, and around all structures and pavements that are to be removed.
7. The datum for the contours shall be given. Also, a note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.
8. Note #11, Drawing C1, states that the topography in the area of the proposed stormwater storage area is estimated. This is not acceptable. The actual topography shall be field verified and reflected on the plans.
9. Note #29 on the revised Site Plan (C1-last updated 10/23/20) shall be revised to state "... shall notify the **Town of Orangetown Sewer Inspector** at..."
10. The revised drainage report submitted is under review. However, Figure #3- Proposed Conditions, does not reflect the revised layout of the home/ improvements shown revised drawing C1. This shall be corrected.
11. The profiles for the proposed new sanitary house connection and the 12-inch culvert under the new driveway shall show the horizontal scale along the x-axis.

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12. It appears the invert elevation of the second cleanout, on the proposed sanitary house connection from the new house, is labeled incorrectly. This shall be corrected.

**13. Drainage Recommendation – Brooker Engineering  
Drainage Review Recommendation**

The application has provided sufficient information to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated. Brooker Engineering, the Planning Board's Drainage Consultant, therefore recommends that the Bergson Site Plan Lot 3.1-2 be approved for drainage subject to the following Project Comments.

**Project Description**

This is the second drainage review report for the site plan for this development at tax lot 78.18-1-3.1-2; the last review was dated September 8, 2020. The lot is located at the northwest side of the end of an existing private driveway referred to as Woods Road. There is an existing structure located along the southeast corner of the lot that is to remain as an accessory structure. A new 6,100 square foot home is proposed on the lot. There is a total increase of 13,314 square feet of impervious area, including the new driveway. The property has wetlands to the northeast and southwest; no disturbances are proposed in the wetlands. A stormwater management facility is proposed in the uplands area along the west side of the property. This basin receives stormwater runoff from the new house and discharges to the southwest wetland.

**Project Comments**

1. As per the September 8, 2020 comment, clarify the proposed grading around the stormwater management facility. There is a 192 contour on the plan that contradicts the berm height of 191.5 on the sections. Label the presumed 191.5 contour. Show how the existing 191 contour in the basin ties in to proposed grade. The proposed contours appear to merge at the existing 191.5 contour.
2. As per the September 8, 2020 comment, the majority of stormwater runoff from the new parking lot will bypass the stormwater management pond. The design shall be modified to direct more of the stormwater runoff from the driveway to the pond.
3. As per the September 8, 2020 comment, provide more detailed grading in the area north of the existing one-story building to remain and the new driveway.

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- 14.** Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
- A review must be completed by the County of Rockland Department of Health, any comments or concerns addressed, and any required permits obtained.
  - A review must be completed by the Palisades Interstate Park Commission, and any raised concerns addressed.
  - A review must be completed by the United States Army Corps of Engineers and all required permits obtained.
  - Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Standards for Urban Erosion and Sediment Control
  - There shall be no net increase in the peak rate of discharge from the site at all design points.
  - The area to be regraded shall be clearly delineated in the field prior to construction/ grading to ensure the area beyond the limit of disturbance is not disturbed.
  - 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.
- 15.** The Palisades Instate Park Commission reviewed the submitted information and do not foresee any significant impacts to park property.
- 16.** The New York-New Jersey Trail Conference have reviewed the submitted plans and have no objection to the plans.
- 17.** The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans and Board Decisions prior to signing the final plans.
- 18.** All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
- 19.** All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.



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

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

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

ENGINEER: S. WETZEL

DATE: 11/12/20

PROJECT: 20-46

- 22.** Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.
- 23.** The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
- 24.** If the applicant, during the course of construction of any required public improvements or private sanitary or storm sewer improvements, 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 (or the applicant's engineer) shall submit their recommendations as to the special treatment or design modification 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 (applicant's engineer's) recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's (applicant's engineer'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. Federal Wetlands - U.S. Army Corps of Engineers).
- 25.** Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
- 26.** Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications

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TOWN OF ORANGE TOWN

**Town of Orangetown Planning Board Decision**

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

The foregoing Resolution was made and moved by Michael Mandel and second by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Andrew Andrews, aye; Michael Mandel, aye; Michael McCrory, aye; Robert Dell, aye; Stephen Sweeney, aye, and Bruce Bond, absent.

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.

**November 12, 2020**

**Cheryl Coopersmith**

**Chief Clerk Boards and Commissions**

**Town of Orangetown Planning Board**



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**PB #20-47: Dionne's Way Site Plan  
Final Site Plan Approval Subject to Conditions**

**Permit #48020**

**Town of Orangetown Planning Board Decision  
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**TO: Jay Greenwell, PLS, 85 Lafayette Avenue, Suffern, New York  
10901**  
**FROM: Orangetown Planning Board**

**RE: Dionne's Way Site Plan:** The application of Dionne's Way LLC, owner, for Final Site Plan Review at a site to be known as "**Dionne's Way 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 12-16 North Main Street, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.16, Block 6, Lot 67 in the PAC zoning district.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held Thursday, **November 12, 2020**, at which time the Board made the following determinations:

Jay Greenwell, Brian Quinn, Barry Terach and Tom Acton appeared and testified.

The Board received the following communications:

1. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, AIA, Director, dated November 2, 2020.
2. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated November 10, 2020.
3. A letter from Rockland County Department of Planning, signed by Arlene Miller for Douglas Schuetz, Deputy Commissioner of Planning, dated November 12, 2020.
4. A letter from Rockland County Department of Highway, signed by Dyan Rajasingham, Engineer II dated, October 19, 2020.
5. Emails from Rockland County Department of Highway, Dyan Rajasingham, Engineer II dated, October 21, 2020.
6. Email from Rockland County Drainage Agency, Shajan Thottakara, P.E., dated, October 8, 2020.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated November 10, 2020.
8. Copies of the following Board Decisions: ACABOR#20-37, Approved with a Condition, dated September 3, 2020 and PB#18-41, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated October 24, 2018.
9. Project Narrative, prepared by Jay Greenwell, PLS, dated September 22, 2020.

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**Town of Orangetown Planning Board Decision  
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10. Site Plan entitled Jay Greenwell, PLS, dated November 20, 2017, last revised September 22, 2020
11. Plans prepared by Blythe Yost, Landscape Architect dated October 15, 2018:
  - L-601; Sheet 1 of 2: Lighting Plan
  - L-701; Sheet 2 of 2: Planting Plan

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

There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Michael Mandel and second by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Andrew Andrews, aye; Michael Mandel, aye; Michael McCrory, aye; Robert Dell, aye; Stephen Sweeney, aye, and Bruce Bond, absent.

**REAFFIRMATION OF SEQRA**

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 Jay Greenwell and the Town of Orangetown's engineering consultant, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies; Rockland County Department of Highway, Rockland County Department of Health, the Planning Board finds that the proposed action:

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**Town of Orangetown Planning Board Decision  
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- 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 Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, aye, Bruce Bond, absent and Michael McCrory, aye, the Board Reaffirmed the Negative Declaration pursuant to SEQRA.

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

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EE 01 V 81 000 000  
MM01 OF ORANGETOWN

**PB #20-47: Dionne's Way Site Plan  
Final Site Plan Approval Subject to Conditions**

**Permit #48020**

**Town of Orangetown Planning Board Decision  
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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. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.
4. The applicant shall comply with pertinent and applicable conditions of all prior Board Decisions: ACABOR#20-37, Approved with a Condition, dated September 3, 2020 and PB#18-41, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated October 24, 2018.
5. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained and the Final Site Plan is stamped by the Chief Clerk to the Board.
6. The applicant shall provide in writing, the annual cost of a parking permit, who is permitted to park in the parking lot, and the availability of a parking permit.
7. Sanitary calculations for the proposed site, prepared by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval.
8. The size of the existing sanitary building connection shall be given on the Site Plan. IF the sanitary building connection is less than 6-inches in diameter, the existing connection shall be replaced with a 6-inch connection along with a new cleanout. Details (including a profile) for same shall be given on the drawing(s).

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**Town of Orangetown Planning Board Decision  
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Page 5 of 10**

9. Soil erosion and sediment control plans and details shall be submitted to DEME for review and approval.
10. The drawings shall show all existing drainage facilities within the property.
11. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
  - In a letter by the Rockland County Highway Department, dated October 19, 2020, concerns regarding sufficient parking were raised. In response to this letter, Jay Greenwell, PLS indicated the Town will allow the applicant and potential renters of the proposed apartments to purchase permits that allow for 24/7 parking in the town owned parking lot directly adjacent to the property. It has been indicated that this municipal lot is under-utilized and has sufficient space for additional vehicles. Because only about 60% of the required parking is being provided on-site, the parking, the Planning Board must ensure the arrangement between the applicant and Town is sufficient and all traffic related issues due to the insufficient parking are mitigated.
  - A review must be completed by the County of Rockland Department of Health, any comments or concerns addressed, and any required permits obtained.
  - Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for snow piles will reduce the loss of available parking spaces meant to be used by customers and residents, especially since less than the number of parking spaces are being provided.
  - The lighting plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line. While the lighting along the eastern and western property lines appear to be coming from the existing Town light poles, it must be clarified if the lighting along the southern boundary is originating from on-site, or the adjacent sites. If the light is coming from lighting on-site, the intensity of the lumens must be reduced, especially near the boarder by the handicapped parking spaces.
  - All proposed signage must be shown on the site plan, and conform to all Town requirements.
  - The District Box on the site plan indicates the water district is United Water NY. This must be changed to Suez.

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**Continuation of Condition #11...**

- 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 New York State licensed professional engineer, shall be issued to the municipality, 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 specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete and application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standard for Water Works./ These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.
- 12.** The Rockland County Highway Department reviewed the plan and offered the following comments:
- The number of available parking spaces for the proposed developed is less than the required parking spaces. The applicant shall address the potential traffic related issues due to the inadequate parking condition.
- 13.** The Town of Orangetown has assessed a \$60,000.00 impact fee on the applicant, to be used in Pearl River to develop parking plans and address hamlet wide parking issues. Additionally, the Town has allowed the applicant and the potential renters of the proposed apartments to purchase permits to park 24/7 in the under-utilized Town of Orangetown parking lot directly adjacent to the project on the north side. With those elements in place, the Town Board and the Planning Board have determined that the parking issue is resolved.
- 14.** The Rockland County Drainage Agency reviewed the submitted information and found that the site is outside the Rockland County Agency jurisdiction.
- 15.** The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.

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MM01330MVR90 JD MM01

16. The Town of Orangetown Fire Prevention Bureau (Bureau) had the following comments:
1. Parking configuration on the west side of the building may impede fire department aerial access.
  2. What type of construction will the new building be? What side of the building will main entrance be?
  3. Install an NFPA 13 compliant sprinkler system. Provide standpipes in locations to be determined once a construction plan is provided.
  4. Install and maintain an NFPA 72 compliant Fire Alarm System as per Orangetown Fire Code.
  5. Will there be a generator? Install Emergency lighting and Exit signs as per New York State Fire Code.
  6. Key Boxes for FD access must be installed, locations and number of boxes to be determined.
  7. Items 3, 4, and 5 above must be shown on the construction drawing and approved by the Bureau prior to installation.
  8. Provide elevator door key and service keys for FD use.
  9. File application with fee for a Certificate of Compliance Fire Safety.
17. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans and Board Decisions prior to signing the final plans.
18. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
19. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.
20. TREE PROTECTION: The following note shall be placed on the site plan:  
The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to preserve and protect existing trees to remain are as follows:
- a. No construction equipment shall be parked under the tree canopy.
  - b. There will be no excavation or stockpiling of earth underneath the trees.
  - c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
  - d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

**Continuation of Condition #20...**

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

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

21. All landscaping shown on the site plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.
22. Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.
23. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
24. If the applicant, during the course of construction of any required public improvements or private sanitary or storm sewer improvements, 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

**Continuation of Condition #24...**

to DEME. The applicant (or the applicant's engineer) shall submit their recommendations as to the special treatment or design modification 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 (applicant's' engineer's) recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's (applicant's engineer'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. Federal Wetlands - U.S. Army Corps of Engineers).

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

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

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

**Overrides**

The Board made motions to override Conditions 4 and 5 of the November 12, 2020 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

**"#4.** The parking area appears to be split into two lots. The westernmost parking space in the lot off of North William Street will be difficult to maneuver out of without a turnaround area. A turnaround area must be provided to allow for the safe maneuvering of vehicles, or the parking space relocated."

The Board held that this parking space is an existing condition and is presently used and that an existing easement behind the parking spaces allows for maneuvering out of the space.

OFFICE CLERK'S OFFICE  
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TOWN OF ORANGETOWN

**PB #20-47: Dionne's Way Site Plan  
Final Site Plan Approval Subject to Conditions**

**Permit #48020**

**Town of Orangetown Planning Board Decision  
November 12, 2020  
Page 10 of 10**

A motion to override the condition was made and moved by Stephen Sweeney and seconded by Michael Mandel and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye; Bruce Bond, absent; Robert Dell, aye; Stephen Sweeney, aye, and Michael McCrory, aye.

**"#5.** The refuse enclosure is located between the aforementioned parking space and the handicapped parking space in the western lot. It will be difficult for sanitation workers to access the enclosure if vehicles are parked in the spaces the refuse enclosure must be relocated to an area that can be safely accessed by the sanitation workers and in which the flow of traffic is not impeded."

The Board held that the refuse enclosure is currently located at this location and the sanitation workers access to the enclosure are not in conflict with the handicap parking space.

A motion to override the condition was made and moved by Stephen Sweeney and seconded by Michael Mandel and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye; Bruce Bond, absent; Robert Dell, aye; Stephen Sweeney, aye, and Michael McCrory, aye.

The foregoing Resolution was made and moved by Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye; Bruce Bond, absent; Robert Dell, aye; Stephen Sweeney, aye, and Michael McCrory, 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.

November 12, 2020  
Cheryl Coopersmith  
Chief Clerk Boards and Commissions  
Town of Orangetown Planning Board



OFFICE  
SHERIFF  
NOV 12 2020 8:13 AM  
TOWN OF ORANGETOWN

**PB #20-48: SMK Greene Subdivision Plan  
Compliance with PB#20-20  
And Reaffirmation of SEQRA**

**Town of Orangetown Planning Board Decision  
November 12, 2020  
Page 1 of 8**

**TO: Jay Greenwell, 85 Lafayette Avenue, Suffern,  
New York, 10901  
FROM: Orangetown Planning Board**

**RE: SMK Greene Subdivision Plan:** The application of SMK Home Builders, owner, for Compliance with PB#20-20, Return to Planning Board after Zoning Board of Appeals and Reaffirmation of SEQRA at a site to be known as "**SMK Greene 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 318 Western Highway, Tappan, Town of Orangetown, Rockland County, New York, in the Tappan Historic Area and as shown on the Orangetown Tax Map as Section 74.18, Block 2, Lot 34; in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held Thursday, **November 12, 2020**, at which time the Board made the following determinations:

Board Member Robert Dell recused himself from the proceedings of this item.

Jay Greenwell, Donald Brenner and Sean Keenan appeared and testified. The Board received the following communications:

1. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated November 2, 2020.
2. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated November 10, 2020.
3. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated October 20, 2020.
4. A letter from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated October 19, 2020.
5. A letter from letter from the Board of Fire Commissioners, Tappan fire District, signed by Thomas Quinn, chairman, dated November 11, 2020.
6. Project Narrative submitted by Jay Greenwell, PLS, dated September 30, 2020.
7. Copies of the following decisions: ZBA#20-57, Street Frontage for Lot #4 Approved, dated September 16, 2020, PB#20-20, Preliminary Subdivision Approval Subject to Conditions, dated June 24, 2020, Amendment to PB#2020, dated September 17, 2020.

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**PB #20-48: SMK Greene Subdivision Plan  
Compliance with PB#20-20  
And Reaffirmation of SEQRA**

**Town of Orangetown Planning Board Decision  
November 12, 2020  
Page 2 of 8**

8. Subdivision Plan prepared by Jay Greenwell, PLS, dated July 10, 2020, unless noted:
- Sheet 1: Subdivision of Property for SMK Greene, last revised September 30, 2020
  - Sheet 2: Grading, Drainage & Utility Plan with Erosion Control for SMK Greene, last revised September 30, 2020
  - Sheet 3: Erosion Control/ Limit of Disturbance for SMK Greene
  - Sheet 4: Detail Sheet for SMK Greene, dated December 5, 2019, last revised September 30, 2020
9. Landscape Master Plan prepared by Steve Griggs Design dated September 26, 2020.

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 Andrew Andrews and second by William Young and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Michael Mandel, aye; Robert Dell, recused; Stephen Sweeney, aye; Andrew Andrews, aye; Michael McCrory, aye and Bruce Bond, absent.

The proposed action is classified as a "Type I" as defined by Section 617.2 (a) 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. Pursuant to New York Code, Rules & Regulations (NYCRR) Section 617.7, the Town of Orangetown Planning Board, as lead agency, for the reasons articulated in this Board's analysis of all of the submissions by the applicant, interested agencies, departments and the public, with respect to this project including the Environmental Assessment Form, which reasons are summarized in the motion, hereby determines that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested

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**PB #20-48: SMK Greene Subdivision Plan  
Compliance with PB#20-20  
And Reaffirmation of SEQRA**

**Town of Orangetown Planning Board Decision**

**November 12, 2020**

**Page 3 of 8**

agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Highway Department, Rockland County Highway Department, Rockland County Department of Planning, Rockland County Sewer District #1, and having reviewed the drawings presented by Jay Greenwell, PLS, 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 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 Michael Mandel and second by Andrew Andrews and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Michael Mandel, aye; Robert Dell, recused; Stephen Sweeney, aye; Andrew Andrews, aye, Michael McCroly, aye and Bruce Bond, absent, the Board made a Negative Declaration pursuant to SEQRA.

OFFICE SUPERVISOR

CC BY 8138 872

MANAGEMENT PLAN



**PB #20-48: SMK Greene Subdivision Plan  
Compliance with PB#20-20  
And Reaffirmation of SEQRA**

**Town of Orangetown Planning Board Decision  
November 12, 2020  
Page 4 of 8**

**DECISION:** In view of the foregoing and the testimony before the Board, the application was granted **Reapproval of Preliminary Subdivision 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 Subdivision, Site and Landscaping Plans shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
4. The applicant still needs to comply with PB Decision #20-20 conditions
  7. The Drainage calculations supplied are currently under review by DEME. However, the total area of disturbance shall be added to the project narrative. Also, installation and maintenance instructions for the Cultec system shall be added to the calculations.
  8. The subsurface Cultec stormwater systems are labeled as "detention" systems. However, the details for these systems along with the drainage calculations, indicate that they are "recharge" systems. This inconsistency shall be corrected.
  9. ***(This comment is as Amended: After discussions with the applicant's representative, DEME will allow this specific application to conduct their soil borings, perc tests and determination of ground water elevations within the next 3 weeks).*** Soil borings, perc tests and determination of groundwater elevations shall be performed at ALL of the proposed subsurface stormwater facilities. These tests/ investigations shall be performed in the spring when the ground water table is typically at its highest. This shall be done **PRIOR** to this proposal receiving **Final Approval** and the information/ test results/ evaluations shall be added to the drainage calculations. Copies of all correspondence related to this issue shall be submitted to DEME and the Building Department for review and approval.

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**PB #20-48: SMK Greene Subdivision Plan  
Compliance with PB#20-20  
And Reaffirmation of SEQRA**

**Town of Orangetown Planning Board Decision  
November 12, 2020  
Page 5 of 8**

**Continuation of Condition #4...**

10. Emergency overflow facilities shall be designed and depicted for all of the proposed subsurface stormwater control facilities. This may require adding additional catch basins/ piping to Greene Road/ Independence Avenue/ Western Highway.
11. The proposed catch basin for lots #2 and #3 shall be replaced with trench drains. Details for same shall be added to the drawings.
12. Post construction stormwater maintenance "agreements", - for each lot, for the proposed stormwater system shall be submitted to DEME and the Orangetown Town Attorney's Office for review and approval. These agreements/ requirements shall be added as addenda (or equivalent) to the deeds for each lot. Proof that these agreements are made part of each deed will be submitted to the Town Attorney's office and DEME. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with a telephone number, yearly report to be performed, saved by the property owner and available for inspection and review by DEME upon request.
13. In order for the Town of Orangetown Sewer Department to even consider allowing the use of the existing sanitary house lateral by Lot #3, the existing lateral shall be tv'd by the applicant/ applicant's contractor and witnessed by the Orangetown Sewer Inspector. A determination will then be made by the Orangetown Sewer Inspector. If it is determined that the existing lateral cannot be used, a new lateral shall be installed for said Lot #3. A note shall be added to the plan roughly stating that the existing sanitary/ house lateral shall be tv'd by the applicant and witnessed by the Town Sewer Inspector. The Town Sewer Inspector will decide if the existing sanitary lateral can be used for proposed Lot #3.
14. The proposed sanitary cleanout for Lot #3 shall be installed on the existing/ new lateral, not offset as currently shown on the drawings.
17. An existing conditions plan shall be added to the drawing set.
18. A note shall be added to the Subdivision Plan indicating the source benchmark for the referenced datum, including the BM elevation.

ENGINEER'S OFFICE

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**PB #20-48: SMK Greene Subdivision Plan  
Compliance with PB#20-20  
And Reaffirmation of SEQRA**

**Town of Orangetown Planning Board Decision  
November 12, 2020  
Page 6 of 8**

5. The drainage calculations shall be revised to reflect the current layout.
6. Manholes (including rim and invert elevations), not cleanouts shall be depicted and installed prior to subsurface Cultec systems. Inspection ports shall be shown on sheets 2 and 3 for all subsurface Cultec systems. A detail for the inspection ports shall be added to the drawings. The work optional shall be removed from the Cultec cross section on sheet.
7. Details for how the drainage lines are to be tied into the proposed Cultec systems shall be added to the plans. Details shall include plan and profiles drawings with all related elevations.
8. Top & invert elevation for all proposed sanitary house connections, field inlets, catch basin and trench drains shall be added top the plans.
9. The total area of disturbance (a.o.d) listed on Sheet 2 and unnumbered sheet 5 is different than the a.o.d on sheet 3. This shall be corrected. Also, the correct a.o.d shall be listed in the drainage calculation.
10. The proposed catch basin for lot 5 shall be replaced with trench drain. Also, a trench drain shall be added at the driveway entrance to Western Highway. Details for same shall be added to the drawings.
11. Profiles for all proposed drainage facilities (including through the proposed Cultec systems) and sanitary house connections for lots 2, 3 and 4 shall be added to the plans.
12. The applicant shall contact the Orangetown Highway Department to see if sidewalks are required along Greene Road and Independence Avenue. Provide their determination in writing to the Planning Board Office.
13. Monuments, not iron pins, shall be proposed and shown along the property corners of the subdivisions, along the Right of Ways of Greet Street, Independence Avenue and Western Highway.
14. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
  1. The project narrative states a variance for street frontage was granted on September 16, 2020. However, our department never received the variance application for review. As required by the New York State General Municipal Law, Section 239-m(3)(a)(v), the application must be sent to the Rockland County Department of Planning for review due to the parcel's location along Western Highway a County roadway.

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**PB #20-48: SMK Greene Subdivision Plan  
Compliance with PB#20-20  
And Reaffirmation of SEQRA**

**Town of Orangetown Planning Board Decision  
November 12, 2020  
Page 7 of 8**

**Continuation of Condition #14...**

2. As required by the Rockland County Stream Control Act, the subdivision map must be reviewed and approved by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk can accept the plan to be filed.
3. An updated review must be completed by the Rockland County Highway Department. In addition, the applicant must comply with the comments made in their letter of March 11, 2020.
4. An updated review must be completed by the Rockland County Department of Health. In addition, the applicant must comply with the comments made in their letter of September 11, 2020.
5. The minutes provided for PB#20-20, dated June 24, 2020, indicates the Orangetown Planning Board determined the subdivision to be an Unlisted action under SEQR. As noted in the Rockland County Department of Health's letter mentioned above, realty subdivisions are a Type I action. As Lead Agency, the Board must further review this subdivision and determine if it will have a significant impact on the environment.
6. Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.
7. There shall be no net increase in stormwater runoff from the site.
8. Map note #4 indicates that there are two existing lots as part of this proposal. This must be corrected to one lot.
9. Water is a scarce resource in Rockland County; thus, proper planning and phrasing of this project are critical to supplying the current and future residents of the Towns, Villages, and County with an adequate supply of water. All major subdivisions, i.e. those with five or more lots, must be reviewed and approved by the Rockland County Department of Health (RCDOH) prior to filing with the County Clerk. RCDOH is mandated by New York State Law to ensure that such subdivision will have both an adequate and satisfactory sewerage facilities. RCDOH must also review and approve all public water supply improvements, e.g. water main extensions, including those required to serve a proposed major subdivision. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

REC'D  
SEALING UNIT  
NOV 12 2020

**PB #20-48: SMK Greene Subdivision Plan  
Compliance with PB#20-20  
And Reaffirmation of SEQRA**

**Town of Orangetown Planning Board Decision**

**November 12, 2020**

**Page 8 of 8**

**Continuation of Condition #14...**

10. 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.

15. The Rockland County Department of Highways (RCHD) reviewed the plans and information and offered the following comments:

- The strip of area as noted in the subdivision map shall be dedicated to the County of Rockland for inclusion in the highway system prior to recording the subdivision map, if it is approved by the Town.
- Private development adjacent to public roads will not be allowed to significantly increase either the runoff velocity or rate of runoff as it enters the public road drainage system.
- The stormwater detention system shall be at least 10 feet from the designated street line on Western Highway.
- The existing driveway opening on Western Highway (County Highway) shall be removed, and a new curb and sidewalk shall be installed.

16. The access drive serving lot #4 is sufficiently long to serve special construction considerations. It shall be a minimum of 12' wide for the entire length and provide a branch or tee/ turnaround near the proposed residence. It needs to be designed so that a 212" wheelbase vehicle that is 35.5' in overall length can maneuver safely. The driveway has to be able to handle a 60,000 lb. vehicle safely while causing no damage to the driveway.

17. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Subdivision Plan Approval pursuant to Town Code §21 and §6A.

18. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivisions and Board Decisions prior to signing the final plans.

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

20. All relevant and pertinent prior conditions of PB#20-20 remain in effect.

The foregoing Resolution was made and moved by Michael Mandel and second by William Young and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Andrew Andrews, aye; Bruce Bond, absent; Michael Mandel, aye; Robert Dell, recused; Stephen Sweeney, aye and Michael McCroy, aye.

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

November 12, 2020

Cheryl Coopersmith

  
Chief Clerk Boards and Commissions, Town of Orangetown Planning Board  
Attachment

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

**PB #20-48: SMK Greene Subdivision Plan  
Compliance with PB#20-20  
And Reaffirmation of SEQRA**

**Town of Orangetown Planning Board Decision  
November 12, 2020**

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: PB #20-48: SMK Greene Subdivision Plan  
Compliance with PB#20-20 and Reaffirmation of SEQRA**

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

**DESCRIPTION OF ACTION: Subdivision Plan Review**

**LOCATION:** The site is located at 318 Western Highway, Tappan, Town of Orangetown, Rockland County, New York, in the Tappan Historic Area and as shown on the Orangetown Tax Map as Section 74.18, Block 2, Lot 34; in the R-15 zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

The Orangetown Planning Board, as Lead Agency, determined that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared. The reasons supporting this determination are as follows:  
The project will not have a significant impact upon the environment and a DEIS need not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels or existing external traffic patterns. In addition, it will have no impact upon the aesthetic, agricultural or cultural resources of the neighborhood. No vegetation, fauna or wildlife species will be affected as a result of this proposed action. The proposed action is consistent with the Town of Orangetown 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:

Office of Building, Zoning and Planning  
Administration and Enforcement  
Town of Orangetown  
20 Greenbush Road  
Orangeburg, NY 10962

Telephone Number: 845-359-5100

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

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**PB #20-49: Orange Bank & Trust  
Final Site Plan Approval Subject to Conditions**

**Permit #49629**

**Town of Orangetown Planning Board Decision  
November 12, 2020  
Page 1 of 8**

**TO: Jay Greenwell, 85 Lafayette Avenue, Suffern, New York  
FROM: Orangetown Planning Board**

**RE: Orange Bank & Trust Site Plan:** The application of Lale Realty, owner, for Final Site Plan Review at a site to be known as “**Orange Bank & Trust 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 374 South Middletown Road, Nanuet, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 64.17, Block 1, Lot 78; in the CO zoning district.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held Thursday, **November 12, 2020**, at which time the Board made the following determinations:

Jay Greenwell, Joseph Thompson and Brian Quinn appeared and testified. The Board received the following communications:

1. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated November 2, 2020.
2. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated November 10, 2020.
3. An Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated October 5, 2020.
4. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated October 16, 2020.
5. A letter from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated October 7, 2020.
6. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated March 31, 2020.
7. An Email from Rockland County Drainage Agency, from Shajan Thottakara, dated October 8, 2020.
8. A Project Narrative prepared by Jay Greenwell, PLS, dated September 8, 2020.
9. Building Permit Referral to the Planning Board dated December 11, 2019 prepared by Rick Oliver, Building Inspector.
10. Building Permit Referral to the Planning Board dated January 23, 2020 prepared by Rick Oliver, Building Inspector.

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11. Copies of the following Board Decisions: ACABOR #20-42, Approved as Presented, dated September 17, 2020; ZBA#20-56, Sign Area Variance Approved, dated September 2, 2020 and PB#20-18, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated May 27, 2020.
12. Site Plan prepared by Jay Greenwell, PLS Site Plan dated November 13, 2019, revised June 5, 2020.
13. Landscape Plans prepared by Fellenzer Engineering:
  - C-101: Landscaping Plan, dated January 7, 2020, revised July 2, 2020
14. Architectural plans prepared by Degraw & Dehaan, dated January 16, 2019, last revised September 17, 2020:
  - TO.01: Title Sheet
  - AD1.01: Existing/Demolition Floor Plan
  - AD2.01: Existing/ Demolition Front & Side Elevations
  - A1.01: New Architectural Plan/ New Furniture Schedule
  - A2.01: New Front Elevation/ New Left-Side Elevation
  - A2.02: New Rear Elevation/ New Right-Side Elevation
  - A5.02: New Architectural Details/ New Signage Details
  - A5.03: New Sign Elevation/ New Sign Plan/ New Sign Details

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

There being no one from the Public, a motion was made to close the Public Hearing portion of the meeting by Michael Mandel and second by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, aye, Bruce Bond, absent and Michael McCrory, aye.

**REAFFIRMATION OF SEQRA**

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

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TOWN OF ORANGETOWN  
PLANNING BOARD



**Town of Orangetown Planning Board Decision  
November 12, 2020  
Page 3 of 8**

having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Jay Greenwell, Joseph Thompson and Brian Quinn and the Town of Orangetown's engineering consultant, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies, Rockland County Department of Highway, Rockland County Department of Planning, Rockland County Sewer District #1 and Town of Clarkstown, the Planning Board finds that the proposed action:

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

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TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision  
November 12, 2020  
Page 4 of 8**

On motion by Michael Mandel and seconded by William Young and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, aye, Bruce Bond, absent and Michael McCrory, aye, the Board Reaffirmed the Negative Declaration pursuant to SEQRA.

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. All outdoor construction activities, including site-clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.
4. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ACABOR #20-42, Approved as Presented, dated September 17, 2020; ZBA#20-56, Sign Area Variance Approved, dated September 2, 2020 and PB#20-18, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated May 27, 2020.

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**PB #20-49: Orange Bank & Trust  
Final Site Plan Approval Subject to Conditions**

**Permit #49629**

**Town of Orangetown Planning Board Decision  
November 12, 2020  
Page 5 of 8**

5. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained and the Final Site Plan is stamped by the Chief Clerk to the Board.
6. Soil erosion and sediment control (SESC) plans and details, last updated June 5, 2020 are acceptable DEME.
7. The Town of Orangetown Department of Environmental Management and Engineering has no further comment on this project.
8. The Town of Orangetown Bureau of Fire Prevention reviewed the plans and provided the following comments. Please note the following information on the plans. Plans are subject to final approval of the Fire Bureau.
  - This is a change of use, therefore requiring a Fire alarm connected to Rockland County 44-Control
  - Carbon Monoxide Detectors.
  - Portable Fire Extinguishers as per NFPA 10
  - Emergency/Exit lighting as per NEC
  - Key box locations to be determined at a later date.
9. Rockland County Department of Planning had the following comments, which are incorporated herein as conditions of approval:
  - The applicant must comply with the comments made by the Rockland County Highway Department in its letter of October 7, 2020.
  - A review must be completed by the County of Rockland Department of Health, any comments or concerns addressed, and any required permits obtained.
  - The Town of Clarkstown is one of the reasons this proposal was referred to this department for review. The municipal boundary is 160 feet north of the site. As required under Section 239nn of the State General Municipal Law, the Town of Clarkstown must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Town of Orangetown.
  - Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Standards for Urban Erosion and Sediment Control.
  - There shall be no net increase in the peak rate of discharge from the site at all design points.
  - A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 1.0 at the property line.

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10. The Rockland County Department of Highways (RCHD) reviewed the plans and information and offered the following comments:
- The proposed gratuitous dedication as noted in the site plan shall be prepared and recorded in the Rockland County Clerk Office prior to applying for a work permit.
  - A road work permit shall be obtained from RCHD prior to starting any construction work in the property if the proposed plan is approved by the Town.
11. The Rockland County Drainage Agency Reviewed the plan and found that it outside the jurisdiction of the agency.
12. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans and Board Decisions prior to signing the final plans.
13. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
14. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.
15. **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

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TOWN OF ORANGETOWN

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

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.

**16.** 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.

**17.** 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.

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

**19.** If the applicant, during the course of construction of any required public improvements or private sanitary or storm sewer improvements, 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 (or the applicant's engineer) shall submit their recommendations as to the special treatment or design modification 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 (applicant's engineer's) recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's (applicant's engineer'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. Federal Wetlands - U.S. Army Corps of Engineers).

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

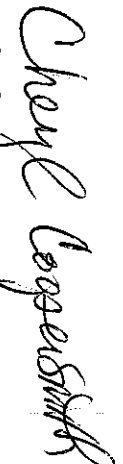
21. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEMA with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction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

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

The foregoing Resolution was made and moved by Michael Mandel and second by Michael McCrory and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Michael McCrory, aye; Robert Dell, aye; Stephen Sweeney, aye, Bruce Bond, absent and Andrew Andrews, 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.

November 12, 2020  
Cheryl Coopersmith  
Chief Clerk Boards and Commissions  
Town of Orangetown Planning Board



ORANGETOWN PLANNING BOARD  
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**PB #20-44: 700 Bradley Hill Road**

**Permit #50385**

**Site Improvement Plan  
Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
November 12, 2020  
Page 1 of 9**

**TO: Nicole Vasquez, 900 Route 9 North, Suite 400, Woodbridge,  
New Jersey, 07085**  
**FROM: Orangetown Planning Board**

**RE: 700 Bradley Hill Road:** The application of Onyx Equities, LLC, applicant, for AG-OE 700 Bradley Hill Road Owner, LLC, owner, for Preliminary/ Preliminary Site Plan Review at a site to be known as “**700 Bradley Hill Road Site Improvement Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 700 Bradley Hill Road, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.18, Block 1, Lot 4, in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held Thursday, **November 12, 2020**, the Board made the following determinations:

Nicole Vasquez, Seth Mandelbaum, Frank Laki, Morgan Stanley, and Ron Riemann appeared and testified.  
The Board received the following communications:

1. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., Director, dated October 21 & November 9, 2020.
2. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 27 & November 10, 2020.
3. A letter from Brookler Engineering, signed by Kenneth DeGennaro, P.E., dated November 10, 2020.
4. A letter from the Rockland County Department of Planning, from Arlene Miller, Principal Planner, dated September 22, 2020.
5. Letters from the Rockland County Highway Department, signed by Dyan Rajasingham, dated October 6, 2020.
6. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated October 5, 2020.
7. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer I, dated October 26, 2020.
8. Letters from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chairman, dated October 7, 2020.

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Site Improvement Plan  
Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision  
November 12, 2020  
Page 2 of 9

9. Letters from McCullough, Goldberger & Staudt, signed by Seth Mandelbaum, dated August 31 and November 2, 2020.
10. A copy of a letter to Bruce Peters, Town of Orangetown Department of Environmental Management and Engineering, from Franz Lake, Senior Project Engineer, SESI, dated October 30, 2020.
11. A copy of a letter to Jane Slavin, Town of Orangetown Office of Building, Zoning, Planning Administration and Enforcement, from Franz Lake, Senior Project Engineer, SESI, dated October 30, 2020.
12. An email from Christine Lee, resident, dated October 26, 2020.
13. A Short Environmental Assessment Form, signed by Nicole Vasquez, dated August 26, 2020.
14. A Traffic Impact Study, prepared by Maser Consulting, dated August 5, 2020.
15. A Stormwater Management Memorandum, prepared by SESI Consulting Engineers, dated August 25, 2020.
16. Site Plans prepared by SESI Consulting Engineers, dated August 31, 2020:
  - Drawing 1 of 9: Cover Sheet
  - Drawing 2 of 9: Existing Conditions
  - Drawing 3 of 9: Demolition Plan
  - Drawing 4 of 9: Site Plan
  - Drawing 5 of 9: Grading & Utilities Plan
  - Drawing 6 of 9: Soil Erosion and Sediment Control Plan
  - Drawing 7 of 9: Details and Notes
  - Drawing 8 of 9: Details and Notes
  - Drawing 9 of 9 (L-1) Lighting Plan
17. Survey prepared by Control Point Associates, Inc., dated July 2, 2020.
18. Architectural Plans prepared by DeBarbieri Architects, dated July 29, 2020:
  - A-1: Floor Plan, Notes & Details
  - A-2: Exterior Elevations

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

Vanessa Lapin, area resident, raised concerns regarding emissions from the site and encouraged the tenant to move to an emission free posture and requested that oil separators be placed in the parking area.

There being no one else from the Public, a motion was made to close the Public Hearing portion of the meeting by Michael Mandel and seconded by Michael McCrory and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Robert Dell, aye; Michael McCrory, aye; Andrew Andrews, aye; Bruce Bond, absent and Stephen Sweeney, aye.

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**Site Improvement Plan  
Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**November 12, 2020**

**Page 3 of 9**

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (a) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Robert Dell, aye; Michael McCrory, aye; Andrew Andrews, aye; Bruce Bond, absent and Stephen Sweeney, 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 SESI Consulting Engineers and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Highway, Rockland County Sewer District No. 1, Rockland County Department of Highways, Rockland County Drainage Agency, and having reviewed a proposed Site plan by prepared by SESI Consulting Engineers, 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;

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ORANGETOWN

Site Improvement Plan  
Preliminary Site Plan Approval  
Subject to Conditions/Neg. Dec.

Town of Orangetown Planning Board Decision

November 12, 2020

Page 4 of 9

- 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 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 Michael Mandel and seconded by Andrew Andrews and carried as follows Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Robert Dell, aye; Michael McCrory, aye; Andrew Andrews, aye; Bruce Bond, absent and Stephen Sweeney, aye; the Board made a Negative Declaration pursuant to SEQRA.

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

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TOWN OF ORANGETOWN

**Site Improvement Plan  
Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
November 12, 2020  
Page 5 of 9**

3. The Board required an independent review of the Maser Traffic Study. The Board requested that the study be performed prior to the applicant returning for Final Planning Board review.
4. As part of the Preliminary Planning Board Approval, the applicant shall add oil separators in the parking facilities and air filtration systems in the structure.
5. The applicant is proposing new parking areas in the front yard and side yard. Per Chapter 43, Table 3.11, column 7, number 8; *"No parking is permitted in any required yard, unless permitted by any board or town agency having jurisdiction. This permission may be granted at the time of site review..."*
6. Part 1, number 3 (b) of the Short Environmental Assessment Form (EAF), the applicant indicated that there is zero disturbed acres. This must be revised to indicate the actual amount of disturbance even when under an acre.
7. Does the peak demand of 210 employees include the existing tenant? Applicant must provide separate breakdown of employees for each tenant occupancy for each building.
8. Performance Standards review and approval is required from the ZBA.
9. Per Chapter 2, Article 2-4A, Town of Orangetown Architecture and Community Appearance Board of Review (ACABOR) review and approval is required for the proposed site changes and the proposed building facade changes.
10. The applicant/ applicant's attorney shall provide written proof to the satisfaction of the Town of Orangetown Town Attorney's Office, of the applicant's legal ability to work on the neighboring property to the east.
11. All of the existing drainage and sanitary infrastructure/ facilities on both 700 and 800 Corporate Drive shall be shown on the plans. The terminus for all lines shall be determined and shown on the drawings (including 18-inch RCP and 8-inch PVC on 800 Corporate Drive.)
12. The existing sanitary building connections shall be shown on the plans.
13. The soil erosion and sediment control plans and details are under review by DEME. However, a soil and sediment control symbols shall be revised to conform to NYSDEC standards.

OFFICE  
SARLET  
NOV 12 2020 10:34  
A 8 1 330 0007  
ORANGETOWN  
NOV 12 2020 10:34

**Site Improvement Plan  
Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**November 12, 2020**

**Page 6 of 9**

14. All proposed SESC features (drop inlets, stone & block, filter fabric, hay bale, etc.) shall be shown, in their proposed locations, on the SESC drawing.

15. Drawing E-1 shall be revised to show the actual location of all existing easements (some are listed as approximate -this is not acceptable.) Also, the metes and bounds, filing information and ownership for all existing easements shall be given on the plan. Given the number of easements, the applicant's engineer shall consider adding a table listing all easements and their associated information. Lastly, any and all proposed cross easements for drainage, sanitary and access shall be included on this plan.

**16. Drainage Consultant Recommendation - Brooker Engineering**

The application has provided sufficient information that demonstrates that there are no potential significant adverse impacts with respect to drainage that require mitigation. Brooker Engineering, the Planning Board's Drainage Consultant recommends that 700 Bradley Hill Road Site Improvement Plan and 800 Bradley Hill Road Site Improvement Plan be approved for drainage subject to no conditions.

**Project Description**

This is the first drainage review report for this project. The sites are located on the east side of Bradley Hill Road, at the western end of Corporate Drive. There are two tax lots, each developed with LI buildings and associated parking areas and infrastructure improvements. Stormwater runoff flows east towards an existing stream that flows north beyond the eastern property line. The stream is not mapped in the Flood Insurance Study for the Town of Orangetown and is a tributary to the Hackensack River. The improvements consist of various parking reconfigurations scattered throughout the two sites. The overall impervious area is reduced for each site (110 SF reduction of 700 Bradley and 439 SF reduction for 800 Bradley.) The grassy strip along the existing stream at the downhill portion of the site will remain essentially the same. The applicant has provided the drainage patterns and existing and proposed ground cover surfaces on Drawing IC-1 (Sheet 7 of 11).

17. 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.

ENGINEERING OFFICE  
S. KURTZ  
NOV 12 2020  
8 1 333 0707  
ORANGETOWN, FL 34401

**Site Improvement Plan  
Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
November 12, 2020  
Page 7 of 9**

18. The Rockland County Drainage Agency (RCDA) reviewed the provided information and found that the site is outside the jurisdiction of the RCDA and therefore, a Stream Control Act permit is not required for development within this site. Please ensure that the development proposals with increase in impervious area and/ or land disturbances include adequate stormwater management measures to prevent any increase in stormwater runoff from the site and has adequate measures to prevent soil erosion and control sediment from leaving the site.

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

- Rockland County Sewer District No. 1
- Rockland County Highway Department
- Rockland County Drainage Agency
- Town of Orangetown Zoning Board of Appeals

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

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

22. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A and §6A.

**23. 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:

OFFICE  
SHERI M. COLE  
NOV 12 2020 8:13 AM  
ORANGETOWN, NJ

**PB #20-44: 700 Bradley Hill Road  
Site Improvement Plan  
Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Permit #50385**

**Town of Orangetown Planning Board Decision  
November 12, 2020  
Page 8 of 9**

**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 subdivision plan 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 of any required public improvements or private sanitary or storm sewer improvements, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not

OFFICE  
S.MERTS HMO1  
NOV 16 8 13 AM '20  
ORANGETOWN  
HMO1

PB #20-44: 700 Bradley Hill Road

Permit #50385

Site Improvement Plan  
Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

November 12, 2020

Page 9 of 9

Continuation of Condition #27...

foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant (or the applicant's engineer) shall submit their recommendations as to the special treatment or design modification 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 (applicant's' engineer's) recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's (applicant's engineer'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. Federal 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 William Young and seconded by Michael McCrory and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Robert Dell, aye; Michael McCrory, aye; Andrew Andrews, aye; Bruce Bond, absent and Stephen Sweeney, aye

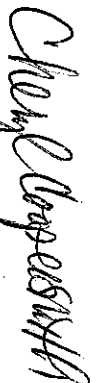
The Clerk to the Board is hereby authorized, directed and empowered to sign this **DECISION** and file a certified copy in the Office of the Town Clerk and the Office of the Planning Board.

November 12, 2020

Cheryl Coopersmith

Chief Clerk Boards and Commissions

Town of Orangetown Planning Board



attachment

OFFICE CLERK'S OFFICE  
NOV 12 9 34 AM '20  
ORANGETOWN, FL 32961

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

**PB #20-44: 700 Bradley Hill Road  
Site Improvement Plan  
Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Permit #50385**

**Town of Orangetown Planning Board Decision  
November 12, 2020**

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: 700 Bradley Hill Road Site Improvement Plan**

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

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

**LOCATION:** . The site is located at 700 Bradley Hill Road, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.18, Block 1, Lot 4, in the LI zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

DEC 17 V 8 1 33 0287

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**PB #20-45: 800 Bradley Hill Road**

**Permit #50386**

**Site Improvement Plan  
Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**November 12, 2020**

**Page 1 of 9**

**TO: Nicole Vasquez, 900 Route 9 North, Suite 400, Woodbridge,  
New Jersey, 07085**  
**FROM: Orangetown Planning Board**

**RE: 800 Bradley Hill Road:** The application of Onyx Equities, LLC, applicant, for AG-OE 800 Bradley Hill Road Owner, LLC, owner, for Preliminary/ Preliminary Site Plan Review at a site to be known as "800 Bradley Hill Road Site Improvement Plan", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 800 Bradley Hill Road, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.18, Block 1, Lot 3, in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held Thursday, **November 12, 2020**, the Board made the following determinations:

Nicole Vasquez, Seth Mandelbaum, Frank Laki, Morgan Stanley, and Ron Rieman appeared and testified.

The Board received the following communications:

1. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., Director, dated October 21 & November 9, 2020.
2. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 27 & November 10, 2020.
3. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated November 10, 2020.
4. A letter from the Rockland County Department of Planning, from Arlene Miller, Principal Planner, dated September 22, 2020.
5. Letters from the Rockland County Highway Department, signed by Dyan Rajasingham, dated October 6, 2020.
6. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated October 5, 2020.
7. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer I, dated October 26, 2020.
8. Letters from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chairman, dated October 7, 2020.

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Site Improvement Plan  
Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

November 12, 2020

Page 2 of 9

9. Letters from McCullough, Goldberger & Staudt, signed by Seth Mandelbaum, dated August 31 and November 2, 2020.
10. A copy of a letter to Bruce Peters, Town of Orangetown Department of Environmental Management and Engineering, from Franz Lake, Senior Project Engineer, SESI, dated October 30, 2020.
11. A copy of a letter to Jane Slavin, Town of Orangetown Office of Building, Zoning, Planning Administration and Enforcement, from Franz Lake, Senior Project Engineer, SESI, dated October 30, 2020.
12. An email from Christine Lee, resident, dated October 26, 2020.
13. A Short Environmental Assessment Form, signed by Nicole Vasquez, dated August 26, 2020.
14. A Traffic Impact Study, prepared by Maser Consulting, dated August 5, 2020.
15. A Stormwater Management Memorandum, prepared by SESI Consulting Engineers, dated August 25, 2020.
16. Site Plans prepared by SESI Consulting Engineers, dated August 31, 2020:
  - Drawing 1 of 9: Cover Sheet
  - Drawing 2 of 9: Existing Conditions
  - Drawing 3 of 9: Demolition Plan
  - Drawing 4 of 9: Site Plan
  - Drawing 5 of 9: Grading & Utilities Plan
  - Drawing 6 of 9: Soil Erosion and Sediment Control Plan
  - Drawing 7 of 9: Details and Notes
  - Drawing 8 of 9: Details and Notes
  - Drawing 7 of 9 (L-1) Lighting Plan
17. Survey prepared by Control Point Associates, Inc., dated July 2, 2020.

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

Vanessa Lapin, area resident, raised concerns regarding emissions from the site and encouraged the tenant to move to an emission free posture and requested that oil separators be placed in the parking area.

There being no one else from the Public, a motion was made to close the Public Hearing portion of the meeting by Michael Mandel and seconded by Michael McCrory and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Robert Dell, aye; Michael McCrory, aye; Andrew Andrews, aye; Bruce Bond, absent and Stephen Sweeney, aye.

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**Site Improvement Plan  
Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**November 12, 2020**

**Page 3 of 9**

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (a1) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; William Young - Vice Chairman, aye; Michael Mandel, aye; Robert Dell, aye; Michael McCrory, aye; Andrew Andrews, aye; Bruce Bond, absent and Stephen Sweeney, 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 SESI Consulting Engineers and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Highway, Rockland County Sewer District No.1, Rockland County Department of Highways, Rockland County Drainage Agency, and having reviewed a proposed Site plan by prepared by SESI Consulting Engineers, 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;

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TOWN OF ORANGETOWN

Site Improvement Plan  
Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision  
November 12, 2020  
Page 4 of 9

- 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 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 Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Robert Dell, aye; Michael McCrory, aye; Andrew Andrews, aye; Bruce Bond, absent and Stephen Sweeney, aye, the Board made a Negative Declaration pursuant to SEQRA.

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

SEAL OFFICE  
NOV 13 2020 8:13 AM  
TOWN OF ORANGETOWN

**PB #20-45: 800 Bradley Hill Road  
Site Improvement Plan  
Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Permit #50386**

**Town of Orangetown Planning Board Decision  
November 12, 2020  
Page 5 of 9**

3. The Board required an independent review of the Maser Traffic Study. The Board requested that the study be performed prior to the applicant returning for Final Planning Board review.
4. As part of the Preliminary Planning Board Approval, the applicant shall add oil separators in the parking facilities and air filtration systems in the structure.
5. The applicant is proposing new parking areas in the rear yard and side yard. Per Chapter 43, Table 3.11, column 7, number 8; *"No parking is permitted in any required yard, unless permitted by any board or town agency having jurisdiction. This permission may be granted at the time of site review..."*
6. The Short Environmental Assessment Form appears to be in order.
7. Applicant must provide separate breakdown of employees for each tenant occupancy for each building.
8. Performance Standards review and approval is required from the Town of Orangetown Zoning Board of Appeals.
9. Per Chapter 2, Article 2-4A; Town of Orangetown Architecture and Community Appearance Board of Review (ACABOR) review and approval is required for the proposed site changes.
10. The applicant/ applicant's attorney shall provide written proof to the satisfaction of the Town of Orangetown Town Attorney's Office, of the applicant's legal ability to work on the neighboring property to the east.
11. All of the existing drainage and sanitary infrastructure/ facilities on both 700 and 800 Corporate Drive shall be shown on the plans. The terminus for all lines shall be determined and shown on the drawings (including 18-inch RCP and 8-inch PVC on 800 Corporate Drive.)
12. The existing sanitary building connections shall be shown on the plans.
13. The soil erosion and sediment control plans and details are under review by DEME. However, a soil and sediment control symbols shall be revised to conform to NYSDEC standards.

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95 01 V 81 030 0207  
ORANGETOWN JO MM01

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15. Drawing E-1 shall be revised to show the actual location of all existing easements (some are listed as approximate -this is not acceptable.) Also, the metes and bounds, filing information and ownership for all existing easements shall be given on the plan. Given the number of easements, the applicant's engineer shall consider adding a table listing all easements and their associated information. Lastly, any and all proposed cross easements for drainage, sanitary and access shall be included on this plan.

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17. 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.

TOWN CLERK'S OFFICE

2020 DEC 18 A 10:35

TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision  
November 12, 2020  
Page 7 of 9**

**18.** The Rockland County Drainage Agency (RCDA) reviewed the provided information and found that the site is outside the jurisdiction of the RCDA and therefore, a Stream Control Act permit is not required for development within this site. Please ensure that the development proposals with increase in impervious area and/ or land disturbances include adequate stormwater management measures to prevent any increase in stormwater runoff from the site and has adequate measures to prevent soil erosion and control sediment from leaving the site.

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

- Rockland County Sewer District No. 1
- Rockland County Highway Department
- Rockland County Drainage Agency
- Town of Orangetown Zoning Board of Appeals

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

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

**22.** All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A and §6A.

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- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
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TOWN CLERK'S OFFICE

2020 DEC 18 A 10 35

TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision  
November 12, 2020  
Page 8 of 9**

**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:
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    - Light Impacts Only – Installation of  $\frac{3}{4}$  inch of plywood or boards, or equal over the area to be protected.
- The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

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**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 of any required public improvements or private sanitary or storm sewer improvements, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not

TOWN CLERK'S OFFICE

2020 DEC 18 A 10:35

TOWN OF ORANGETOWN



**PB #20-45: 800 Bradley Hill Road  
Site Improvement Plan  
Preliminary Site Plan Approval  
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**Permit #50386**

**Town of Orangetown Planning Board Decision  
November 12, 2020  
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**Continuation of Condition #27...**

foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant (or the applicant's engineer) shall submit their recommendations as to the special treatment or design modification 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 (applicant's' engineer's) recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's (applicant's engineer'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. Federal 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 Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Robert Dell, aye; Michael McCrory, aye; Andrew Andrews, aye; Bruce Bond, absent and Stephen Sweeney, aye

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

**November 12, 2020  
Cheryl Coopersmith  
Chief Clerk Boards and Commissions  
Town of Orangetown Planning Board**



attachment

TOWN CLERK'S OFFICE

2020 DEC 18 A 10:35

TOWN OF ORANGETOWN

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

**PB #20-45: 800 Bradley Hill Road  
Site Improvement Plan  
Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Permit #50386**

**Town of Orangetown Planning Board Decision  
November 12, 2020**

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: 800 Bradley Hill Road Site Improvement Plan**

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

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

**LOCATION:** . The site is located at 800 Bradley Hill Road, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.18, Block 1, Lot 3, in the LI zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

TOWN OF ORANGETOWN