

**Town of Orangetown Planning Board Meeting  
Wednesday, April 28, 2021**

**Members Present:** Thomas Warren, Chairman  
William Young, Vice-Chairman                      Andrew Andrews  
Michael McCrory    Michael Mandel  
Robert Dell    Bruce Bond

**Members Absent:** Stephen Sweeney

**Also Present:** Jane Slavin, Director, Department of Building, Zoning, Planning Administration and Enforcement; Rick Pakola, Deputy Town Attorney and 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:

**New Items:**

<b>Onyx Management/ Amazon Delivery Center Plans Amendment to Filed Site Plan 877 Western Highway &amp; 200 &amp; 400 Oritani Drive, Blauvelt 65.18/1/1 &amp; 22 and 70.06/1/1.12; LO zoning district</b>	<b>Approved Amendment to Filed Site Plan Subject to Conditions</b>	<b>PB#21-24</b>
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<b>524 Route 303 Building Addition Site Plan Prepreliminary/Preliminary/ Final Site Plan Review and SEQRA 524 Route 303, Orangeburg 70.09/1/44; LO zoning district</b>	<b>Postponed by Applicant</b>	<b>PB #21-25</b>
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<b>Maloney Minor Subdivision Release of Partial Performance Bond 60 Fisher Avenue, Pearl River 68.11/2/70; R-15 zoning district</b>	<b>Recommended to Town Board</b>	<b>PB #21-26</b>
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<b>SMK Greene Subdivision Consideration of Chapter 21 Land Development Regulations Article IV. Requirements and Standards for Subdivision Design § 21-20 Recreation Sites; E [money in lieu of land] 318 Western Highway, Tappan 74.18/2/34; R-15 zoning district</b>	<b>Money in Lieu Recreation Established</b>	<b>PB #21-27</b>
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Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Bruce Bond and seconded by Robert Dell and agreed to by all in attendance. The meeting was adjourned at 7:50 p.m. The next Planning Board meeting is scheduled for May 12, 2021.

*Cheryl Coopersmith*

**DATED: April 28, 2021**

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

TOWN CLERK'S OFFICE  
2021 MAY 13 P 1:04  
TOWN OF ORANGETOWN

**PB #21-24: Onyx Management/ Amazon  
Delivery Center Plans  
Approved Amendment to Filed Site Plan Subject to Conditions**

**Permit #49989**

**Town of Orangetown Planning Board Decision  
April 28, 2021  
Page 1 of 7**

**TO: Jeffrey DeZort, CESO, Inc., 1323 Brookhaven Drive, Orlando,  
FL 32803**

**FROM: Orangetown Planning Board**

**RE: Onyx Management/ Amazon Delivery Center Plans –**

**Amendment Plans:** The application of Amazon Services, Inc., applicant, for an amendment to the Filed Site Plan for sidewalk and site modifications at a site known as **“Onyx Management/ Amazon Delivery Center Plans – Amendment Plans”**, 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 877 Western Highway and 200 & 400 Oritani Drive, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.18, Block 1, Lot 1 & 22 and Section 70.06, Block 1, Lot 1.12 in the LO zoning district.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held **Wednesday, April 28, 2021**, the Board made the following determinations:

Jeff DeZort and Rebecca Valk 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., Director, dated April 21, 2021.
2. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., April 9, 2021.
3. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated April 5, 2021.
4. A Short Environmental Assessment Form, signed by Jeff Tibbitts, PE, dated March 12, 2021.
5. Letter from CESO signed by Jeffrey DeZort, Senior Project Manager, dated March 1, 2021.

TOWN CLERK'S OFFICE

2021 MAY 13 P 1:04

TOWN OF ORANGETOWN



**Town of Orangetown Planning Board Decision  
April 28, 2021  
Page 2 of 7**

6. Site Plans prepared by CESO.CO, dated August 4, 2020, last revised on March 5, 2021, unless noted:

- C1.0: Cover
- C2.0: General Notes
- C3.0: Demo Plan
- C4.0: Overall Site Plan
- C4.1: Site Plan – West
- C4.2: Site Plan – Parking Middle
- C4.3: Site Plan – Parking South
- C4.4: Site Plan – Parking North
- C5.0: Grading Plan
- C5.0A: Grading Plan
- C5.1: Utility Plan - Storm
- C5.2: Utility Plan – Sanitary & Water
- C5.3: Storm Profiles
- C5.4: Storm Profiles
- C5.5: Sanitary Profiles
- C5.6: Stormtech Details
- C5.7: Stormtech Details
- C6.0: SWPPP Notes
- C6.1: SWPPP Plan
- C6.2: SWPPP Plan 2
- C6.3: SWPPP Details
- C6.4: SWPPP Details
- C7.0: Construction Details
- C7.1: Construction Details
- C7.2: Construction Details
- C7.3: Construction Details
- C7.4: Construction Details
- C7.5: Construction Details
- C7.6: Construction Details
- C8.0: Signage Plan – Overall
- C8.1: Signage Plan – West
- C8.2: Signage Plan – Parking Middle
- C8.3: Signage Plan – Parking South
- C100.0: Circulation Plan
- C10-1: Line of sight – North Property
- C10-2: Line of sight – South Property
- L1.0: Landscape Plan
- L2.0: Landscape Details and Notes

TOWN OF ORANGETOWN  
2021 MAY 13 P 1:05  
TOWN CLERK'S OFFICE

**Approved Amendment to Filed Site Plan Subject to Conditions**

**Town of Orangetown Planning Board Decision**

**April 28, 2021**

**Page 3 of 7**

7. Lighting Plan, prepared by City Lighting Products Company, drawing 1 of 1, dated June 5, 2020.

8. Retaining Wall Construction Plans, prepared by CESO, Inc., dated August 31, 2020, last revised September 16, 2020

- RW 1.01: Cover Sheet
- RW 2.01: Specifications
- RW 3.01: Plan View
- RW 4.01: Elevation & Cross Section
- RW 5.01: Details

The Board reviewed the plans and information submitted. 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 Bruce Bond and seconded by Michael Mandel and carried as follows: Thomas Warren - Chairman; aye, William Young, Vice - Chairman, aye; Andrew Andrews, aye; Michael Mandel; aye, Stephen Sweeney; absent, Bruce Bond; aye, Robert Dell; aye and Michael McCrory; aye.

**DECISION:** In view of the foregoing and the testimony before the Board, **the application was granted an Approved Amendment to the Filed Site Plan Subject to the Following Conditions:**

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

2. 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. This information shall be noted on the Site Plan.

TOWN CLERK'S OFFICE  
2021 MAY 13 P 1:05  
TOWN OF ORANGETOWN



**Town of Orangetown Planning Board Decision  
April 28, 2021  
Page 4 of 7**

4. All pertinent and applicable conditions of PB #20-19: Onyx Management/ Amazon Delivery Center Plans, Final Site Plan Approval Subject to Conditions/ Neg. Dec., dated July 8, 2020, apply to this site plan amendment.

5. The applicant must address question #4 of DEME interdepartmental memorandum dated April 9, 2021 and revise and resubmit the Short Environmental Assessment Form (SEAF), if required.

“#4. The Short EAF states that the total a.o.d. for the specific amendment is 0.36 Acres. However, the revised SWPPP has the total a.o.d. (for the amendment only) at 0.18 Acres. As stated, above, all data and documentation shall be coordinated to provide all of the same information.”

6. The SWPPP/ Drainage Report supplied is under review. However, a cursory review of the SWPPP/ Drainage Report has revealed a number of issues with it:

a) Because the SWPPP is an amendment, the title page shall be listed as “Amendment #1” or similar.

b) All revised/ amended pages of the SWPPP/Drainage Calculations shall have a footnote indicating that they are part of Amendment #1 and contain the date of the Amendment.

c) An introduction/ cover letter shall be added to the SWPPP/ drainage calculations stating that the proposed revision is an amendment, the reason for the amendment, a summary of the design changes, including the soil erosion and sediment control changes, as well as the post construction stormwater quantity/ quality design changes (if any – if not list/ explain why not) that are being proposed as part of the Amendment. This introduction/ cover letter shall also include a tabular list of every page of the SWPPP and included drainage calculations that have been changed as well as every drawing that has been changed from the original approved SWPPP and drawings.

d) The required introduction/ cover letter shall for the SWPPP, shall list the original area of disturbance (a.o.d.) and revised a.o.d. based on the requested amendment.

e) The required introduction/ cover letter shall for the SWPPP, shall list all of the new/ amended work that the revised a.o.d. includes (e.g. installation of new sidewalk, removal of impervious parking area to be converted to pervious / grass surface, etc.) The square footage and acreage for all of these items shall be added to the letter in table form.

TOWN OF ORANGETOWN  
2021 MAY 13 P 1:05  
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision  
April 28, 2021  
Page 5 of 7**

**Continuation of Condition #6...**

- f) It appears that the amended SWPPP supplied only contains the revised/ replacement pages for the original SWPPP. However, the pages do not "line up"/ match/ fit with the original approved SWPPP. If DEME's assumption is correct, that the revised document supplied is only the amended/ revised pages of the SWPPP, the applicant's engineer shall review the original approved SWPPP and ensure the revised pages correctly line up with the original document (e.g. allowing the old pages to be removed and the replacement pages inserted in the original approved SWPPP document.)
- g) A revised table of contents shall be included, if applicable.

**7.** The applicant's engineer's letter dated March 1, 2021 states that an additional 741 LF of sidewalk is being added to the site, resulting in 4022 SQ FT of impervious area. Section 1.1A-Project Narrative, page 2 – revised SWPPP, states that 823 LF of sidewalk is being added to the site. All of the documentation (letters, SWPPP, calculations, drawings) shall be coordinated to reflect all of the same data.

**8.** The Short EAF states that the total a.o.d. for the specific amendment is 0.36 Acres. However, the revised SWPPP has the total a.o.d. (for the amendment only) at 0.18 Acres. As stated, above, all data and documentation shall be coordinated to provide all of the same information

**9.** The drawings shall clearly show how new pervious grass area, to be created at the northern part of the site as part of the site plan amendment, shall be separated/ lined (e.g. curbing or other structural means. Detail for same shall be added to the drawings.

**10.** The Title of the Cover page of the drawing set shall be revised to include the word "Amendment." Also, the revision table note section on each drawing shall add the words Amendment #1 or similar to Number/ Date/ Update-Revision table in drawing title block.

**11.** A note shall be added to the legends for all the drawings indicating that any notes in "clouds" (and show the cloud symbol) are part of the Site Plan Amendment #1.

**12.** The new sidewalk being proposed shall be labeled on drawings C4.0, C5.0A and C6.2.

TOWN CLERK'S OFFICE  
2021 MAY 13 P 1:05  
TOWN OF ORANGETOWN



**Approved Amendment to Filed Site Plan Subject to Conditions**

**Town of Orangetown Planning Board Decision**

**April 28, 2021**

**Page 6 of 7**

**13.** The revised drainage calculations are not complete. For example, under Section F.1 – Pre-Construction Hydrographs, Hydrograph #1, page 4, shows the revised hydrograph for the 1 yr. storm, however, the hydrograph discharge report for that storm is not included and needs to be. A full/ complete revised drainage report shall be added to the SWPPP.

**14.** The Town of Orangetown Bureau of Fire Prevention reviewed the submitted information and found that it had no comments at this time.

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

**16.** 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.

**17.** 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.

**18.** 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.

TOWN CLERK'S OFFICE  
2021 MAY 13 P 1:05  
TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision  
April 28, 2021  
Page 7 of 7

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).

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, Stephen Sweeney; absent, Bruce Bond; aye, Andrew Andrews, aye; Robert Dell; 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.

Dated: April 28, 2021  
Cheryl Coopersmith  
Town of Orangetown Planning Board



TOWN CLERK'S OFFICE  
2021 MAY 13 P 1:05  
TOWN OF ORANGETOWN



**PB #21-26: Maloney Minor Subdivision – Recommendation to the Town Board to Release Partial Performance Bond**

**Town of Orangetown Planning Board Recommendation  
April 28, 2021  
Page 1 of 2**

**TO: Michael Maloney, 60 Fisher Avenue, Pearl River, New York  
FROM: Town of Orangetown Planning Board**

**RE: Maloney Minor Subdivision – Release of Partial Performance Bond:** The application of Michael Maloney, owner, for a Recommendation to the Town Board for Partial Release of the Performance Bond at a site to be known as **“Maloney Minor Subdivision Plan– Release of Partial Performance Bond”** in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 60 Fisher Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.11, Block 2, Lot 70 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held **Wednesday, April 28, 2021**, at which time the Board made the following determinations:

Michael Maloney appeared and testified.

The Board received the following communications:

1. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown signed by Eamon Reilly, P.E., Commissioner, dated April 2, 2021 and from the Highway Department, signed by James Dean, Superintendent of Highways, dated April 6, 2021.
2. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 14, 2020.
3. A copy of PB #20-08, Recommendation to the Town Board to Establish the Term and Value of the Performance Bond, dated January 29, 2020.

The Hearing was open 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 seconded by William Young - Vice Chairman 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, aye and Stephen Sweeney, absent.

TOWN CLERK'S OFFICE  
2021 MAY 13 P 1:05  
TOWN OF ORANGETOWN

**PB #21-26: Maloney Minor Subdivision – Recommendation to the Town Board to Release Partial Performance Bond**

**Town of Orangetown Planning Board Recommendation**

**April 28, 2021**

**Page 2 of 2**

**RECOMMENDATION:** In view of the foregoing, the Planning Board **Recommended to the Town of Orangetown Town Board to Release Partial Performance Bond**, as outlined in the Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown signed by Eamon Reilly, P.E., Commissioner, dated April 2, 2021 and from the Highway Department, signed by James Dean, Superintendent of Highways, dated April 6, 2021. As stated in the memorandum; "Actual amount of Bond authorized to be released \$128,166.00." The Town of Orangetown will be retaining the amount of \$3,600.00 for Final As-Builts drawings.

The foregoing Resolution was made and moved by Bruce Bond and seconded by Michael Mandel 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, aye and Stephen Sweeney, absent.

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

**Dated: April 28, 2021**

**Cheryl Coopersmith**

**Town of Orangetown Planning Board**



TOWN OF ORANGETOWN  
2021 MAY 13 P 1:05  
TOWN CLERK'S OFFICE



**PB #21-27: SMK Greene Subdivision  
Money in Lieu Recreation Established  
Chapter 21 Land Development Regulations  
318 Western Highway, Tappan  
74.18/2/34; R-15 zoning district**

**Town of Orangetown Planning Board Decision  
April 28, 2021  
Page 1 of 2**

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

**RE: SMK Greene Subdivision:** Consideration of Chapter 21: Land Development Regulations, Article IV. Requirements and Standards for Subdivision Design § 21-20 Recreation Sites; E [money in lieu of land]. Where the Planning Board, after consultation with the Orangetown Park Development Advisory Committee, deems, with respect to a particular subdivision, including minor subdivisions, that a reservation of land would be inadequate in size for park or playground use, either above or in conjunction with abutting reservations on adjoining subdivisions, or is otherwise inappropriate for such use, the Planning Board shall waive the requirement for such reservation with the condition that the applicant deposit with the Town Board prior to filing the vellum a cash payment in lieu of land reservation. The Planning Board shall determine the amount to be deposited based on the formula established by resolution of the Town Board. The site is located at 318 Western Highway, Tappan, Town of Orangetown, Rockland County, New York, 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 **Wednesday, April 28, 2021** at which time the Board made the following determinations:

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

The Board received the following communications:

1. Interdepartmental memorandum from the Office of Recreation & Parks, Town of Orangetown, signed by Aric Gorton, Superintendent of Parks and Recreation, dated April 22, 2021.
2. A copy of the SMK Greene Subdivision Plan, last revision date of January 24, 2021.
3. Copy of the Town of Orangetown Town Code, Chapter 21, Article IV, §21-20. Recreation Sites.

The Hearing was open to the public.

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

TOWN CLERK'S OFFICE  
2021 MAY 13 P 1:06  
TOWN OF ORANGETOWN

**PB #21-27: SMK Greene Subdivision  
Money in Lieu Recreation Established  
Chapter 21 Land Development Regulations  
318 Western Highway, Tappan  
74.18/2/34; R-15 zoning district**

**Town of Orangetown Planning Board Decision  
April 28, 2021  
Page 2 of 2**

**DECISION:** In view of the foregoing, the Planning Board, in accordance with Town Code, Chapter 21, Article IV, §21-20: Recreation Sites, established the value as follows:

**In view of PB #21-18, Final Subdivision Plan Approval with Conditions, dated March 10, 2021, the Town of Orangetown Parks and Recreation Department recommends, pursuant to Orangetown Zoning Code Section 21-20 E., that the Planning Board waive the requirement for the reservation of park land and condition approval on the payment of \$36,000.00 in lieu of parkland.**

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

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

**Dated: April 28, 2021  
Cheryl Coopersmith  
Town of Orangetown Planning Board**



TOWN OF ORANGETOWN  
2021 MAY 13 P 1:06  
TOWN CLERK'S OFFICE