

**TOWN OF ORANGETOWN
PLANNING BOARD
Virtual Meeting of Wednesday
February 24, 2021**

MEMBERS PRESENT:

Thomas Warren, Chairman	William Young, Vice-Chairman
Michael Mandel	Michael McCrory
Andrew Andrews	Stephen Sweeney
Robert Dell	Bruce Bond

MEMBER ABSENT: None

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:

- | | | |
|--|---|-------------------------|
| <p>13 & 21 Mountainview Avenue & 518 Rt. 303
Site Plan Consultation
Consultation Review
13 & 21 Mountainview Avenue &
518 Rt. 303, Orangeburg
74.07/1/ 2, 33 & 36; LI, LO & CC zoning districts</p> | <p>Consultation</p> | <p>PB #21-10</p> |
| <p>20 Mountainview Avenue – Unit G
Conditional Use Permit
Prepreliminary/ Preliminary/
Final Conditional Use Permit and SEQRA Review
20 Mountainview Avenue, Unit G, Orangeburg
74.07/1/27; LI zoning district</p> | <p>Granted: Final
Conditional Use Permit
Neg. Dec.</p> | <p>PB#21-11</p> |
| <p>Alatsas Resubdivision Plan
Prepreliminary/ Preliminary/
Final Resubdivision Plan
(merger of two lots into one)
and SEQRA Review
9 & 11 Bergen Avenue, Palisades
7 7.20/2/85 & 86; R-15 zoning district</p> | <p>Final Approval
Subject to Conditions
Neg. Dec.</p> | <p>PB#21-12</p> |
| <p>UJA Henry Kaufmann Campgrounds
92Y and Camp 12 Trails Site Plan
Final Site Plan Review
667 Blauvelt Road, Pearl River
69.14/1/28 & 69.10/2/21; R-80 zoning district</p> | <p>Final Site Plan
Approval Subject
to Conditions
Reaffirmation of SEQRA</p> | <p>PB#21-13</p> |
| <p>Wells Fargo Lighting Site Plan
Prepreliminary/ Preliminary/
Final Lighting Site Plan and SEQRA Review
26 Middletown Road, Pearl River
69.13/1/9; CC zoning district</p> | <p>Final Lighting Site
Approval Subject
to Conditions
Neg. Dec.</p> | <p>PB#21-14</p> |

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TOWN CLERK'S OFFICE

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Kennedy Site Plan – Critical Environmental Area
Prepreliminary/ Preliminary/ Final Site Plan
Addition and Alterations to
Existing Structure and SEQRA Review
815 Route 9W, Upper Grandview
75.05/1/7.1; R-22 zoning district

PB#21-15

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

Other Business: The Board reviewed and approved the AKRF contract for an hourly rate proposal for services as a consultant to the Board for future project reviews. A motion was made to retain AKRF and moved by William Young and seconded by Michael Mandel 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, abstain and Andrew Andrews, aye.

The decisions of the February 10, 2021 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel and seconded by Stephen Sweeney 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, aye and Andrew Andrews, aye.

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 Andrew Andrews and agreed to by all in attendance. The meeting was adjourned at 10:30 p.m. The next Planning Board meeting is scheduled for March 10, 2021.

DATED: February 24, 2021

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

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**PB #21-10: 13 & 21 Mountainview Avenue & 518 Rt. 303 Site Plan
Consultation**

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**TO: Ira Emanuel, 4 Laurel Road, New City, New York 10956
FROM: Orangetown Planning Board**

**RE: 13 & 21 Mountainview Avenue and 518 Route 303 Site Plan
Consultation:** The application of Arco Design Build Industrial, applicant for WPT Acquisitions, for Consultation Review at a site to be known as “**13 & 21 Mountainview Avenue and 518 Route 303 Site Plan Consultation**” 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 13 & 21 Mountainview Avenue & 518 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lots 2, 33 & 36; in the LI, LO & CC zoning districts.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held **Wednesday, February 24, 2021**, the Board made the following determinations:

Ira Emanuel, Josh Sewald, Jim Wyatt, Cory Chase and Tim Bassett appeared and testified.

The Board received the following communications:

1. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., Director, dated February 19, 2021.
2. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated February 24, 2021.
3. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated February 24, 2021.
4. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated February 17, 2021.
5. Traffic Impact Study prepared by Dynamic Engineering, dated January 13, 2021.
6. A Project Narrative Summary, signed by Ira M. Emanuel, dated December 21, 2021.
7. Conceptual Site Plan “A”, prepared by Dynamic Engineering, dated December 1, 2020.

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

Public Comment: Vanessa Lapin, 659 Western Highway, Blauvelt, raised concerns regarding traffic impact to Orangetown and how it relates to clean water, she questioned the Board if they want Orangetown to be compared to Elizabeth, New Jersey.

There being no one else 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, aye; Michael McCrory, aye; Andrew Andrews, aye; Bruce Bond, abstain and Stephen Sweeney, aye.

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CONSULTATION: In view of the foregoing and the testimony before the Board, the application was provided with the Comments:

1. Per chapter 43, Article XIII, Route 303 Overlay Zoning District applies;
13.3(E); *"If, after the effective date hereof, a primary access and egress route, or private road, drive or easement used as an entrance road, is established from Route 303 to a property which is located immediately east or west of the Route 303 Overlay District, such property shall be deemed to fall within and be subject to the provisions of this ordinance."*
and
13.3(F); *"If, after the effective date hereof, any application for a building permit or other land use approval is submitted concerning a parcel located within the Route 303 Overlay Zone and the application includes or incorporates any separate or distinct parcel which is located beyond the boundaries of the Overlay Zone, the provisions of this ordinance shall also apply to such separate or distinct parcel."*
and
13.10 (B)(5); *"Retail warehouse uses including mini-storage uses and distribution centers which require or utilize a structure with a total combined square footage in excess of 65,000 square feet on any single parcel (or assemblage of contiguous individual parcels, or on any one parcel which has been subdivided after the date of this local law) shall be prohibited."* A use variance is required.
2. Concept plan indicates parking within the 50' side yard and rear yard setbacks. Per table 3.11, LI District, 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"*
3. A variance is required for the proposed number of parking spaces.
4. Chapter 21A, Site Development Plan Approval applies. Upon submission for formal review and approval, applicant must submit a full site development plan per 21A.
5. The applicant advised that due to the projected size of disturbance, a full SWPPP including drainage calculations, will need to be prepared for the site. Also, the stormwater design shall achieve zero net increase in stormwater runoff.
6. The required drainage design shall clearly show both the standard and emergency overflow facilities for the proposed above ground stormwater management facilities. The applicant's engineer is reminded that the emergency overflow from the basin specifically cannot be channeled, directly or indirectly onto neighboring properties.

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7. It appears that the size of the proposed disturbance will be in excess of 5 acres. The applicant is advised the standard disturbance limit on any site is 5 acres. Therefore, if the project proposes to disturb over 5 acres, the project must be phased so that no more than 5 acres is disturbed at any one time. While the Town, as MS4, **MAY** allow a disturbance of up to 10 acres (by special permit), it is not normally allowed. Also, given the fact that this site eventually drains into a section of the Sparkill Creek which is currently under review for inclusion to the States 303d list of impaired waters, and the fact that the lower end of Sparkill Creek is already on the 303d list of impaired water, this site is not a good candidate for a special permit.
8. Soil borings, perc tests and determination of groundwater elevations shall be performed at the subsurface detention system location. These tests shall be performed **PRIOR** to this proposal receiving **Final Approval** to ensure the adequacy of the proposed design. The tests shall be performed in the spring when the ground water table is typically at its highest. If this project moves forward, it is recommended that the Planning Board require that the aforementioned tests be performed prior to receiving Preliminary Approval, due to the proposed size of the project.
9. The applicant is reminded that the required SWPPP/ drainage design must meet all of the stormwater design standards found in the latest NYS *Stormwater Management Design Manual (NYSDEC SMDM)* This includes but is not limited to fully describing in writing, by calculation and by showing on the drawings, how the proposed project will by calculation and by showing on the drawings, how the proposed project will comply with Chapters 5 (Green Infrastructure) and 9 (Redevelopment) of the NYSDEC SMDM.
10. In connection with the comments listed above, the applicant shall try and reduce as much or the proposed area as possible (e.g. eliminating as much parking as possible.) This would help not only in meeting the requirements laid out in Chapters 5 and 9 (MNYSDEC SMDM) but also reduce the stormwater management design facilities that will be required for this project.
11. The access driveway off of Route 303 shall be straightened out. There appears to be no valid engineering reason for creating the reverse curves as shown on the consultation plan. Also, the roadway width shall be reduced in size to 20 or 24 feet. **IF** the curves are removed the need for a wider roadway to accommodate truck traffic will be eliminated.
12. The access driveway onto Mountainview Avenue shall be reduced to a 20 or 24-foot width as well. Both this item and #5 above will help reduce the amount of unnecessary impervious surface as well.
13. The applicant's engineer shall redesign any "fire lane" (like the one on the northern side of the propose building), to be "grass-crete" or other pervious surface that still meets emergency vehicle load requirements. Again, this will help reduce impervious coverage on the site.

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14. The Town of Orangetown Bureau of Fire Prevention has reviewed the plans and offers the following comments:

- Fire apparatus access roads shall be at least 20' wide, have a vertical clearance no less than 13'6" and provide access to all sides of the building.
- All access roads shall be designed to accommodate a fire service vehicle up to 75,000 pounds.
- Show security gates if applicable.
- Show that the required turning radius for the largest fire apparatus (11-Truck) can be met.
- 1 or more private Fire Hydrants may be required to be installed on site - IFC 507.5

15. Rockland County Sewer District #1 (District) reviewed the submitted information and offered the following comments:

1. The District owns and maintains sewers in an easement in front of 518 Route 303.

a. No permanent structures may be built within the Sewer District easement.

b. If any foundation work or other types of major excavation work is to be done within close proximity to the easement boundary, the District must be notified forty-eight (48) hours in advance. Shoring or other types of precautions may be needed to protect the sewer main. The property owner must also pay these expenses.

c. To prevent any damage from occurring to the existing main, the District must be notified when the land within the easement is to be modified. This includes but is not limited to regrading, raising or lowering of manhole frames, or working in close proximity to sewers and manholes within the easement. The District must approve any construction to be done with its easement.

d. Contractors must obtain required insurance and sign a waiver to defend, indemnify, save and hold harmless both the **County of Rockland and Rockland County Sewer District No. 1** from any claims arising from work performed within its easements.

16. The applicant shall include the traffic information of the 125/155 traffic impact study and the Hudson Crossing traffic study in its project review of the site.

17. The Applicant shall explore the use of Route 303 entrance as the main entrance/exist to the site as well as reduce parking on the site. Also, the Site Plan shall note the location of driveways and buildings on adjacent tax lots on Mountainview Avenue and Route 303

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

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

20. 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).

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

22. 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

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

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

February 24, 2021
Cheryl Coopersmith
Town of Orangetown Planning Board

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PB #21-11: 20 Mountainview Avenue – Unit G
Conditional Use Permit
Final Conditional Use Permit
Neg Dec.

Permit #50310

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TO: Tom McCabe, 189 Cornwall Hill Road, Patterson, New York 12563
FROM: Orangetown Planning Board

RE: 20 Mountainview Avenue – Unit G; Conditional Use Permit: The application of Tom McCabe, applicant, for John Corolla, owner, for Prepreliminary/ Preliminary/ Final Conditional Use Permit and SEQRA Review at a site to be known as “**20 Mountainview Avenue – Unit G; Conditional Use Permit**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown 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 20 Mountainview Avenue- Unit G, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 27 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held **Wednesday, February 24, 2021**, the Board made the following determinations:

Tom McCabe appeared and testified.

The Board received the following communications:

1. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., Director, dated February 19, 2021.
2. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated February 24, 2021.
3. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated February 24, 2021.
4. Letters from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated February 4, 2021 and signed by Michael Kezner, dated January 28, 2021.
5. An email from Rockland County Drainage Agency, from Shajan Thottakara, dated February 10, 2021.
6. A letter from Rockland County Sewer District No.1, signed by Joseph LaFiandra, Engineer II, dated March 19, 2020.
7. A letter and a notice from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chairman, dated February 3, 2021.
8. A notice from the Rockland County Department of Highway, dated January 27, 2021.

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9. Emails from Orange and Rockland Utilities, dated February 23, 2021 from Alfred Gaddi, PE.
10. A Project Narrative prepared by Tom McCabe, dated January 6, 2021.
11. Floor Plan of 20 Mountainview Avenue, Unit G and a site plan, noting location of shopping center and unit.
12. A Short Environmental Assessment Form, signed by Tom McCabe, dated January 4, 2021, revised **February 23, 2021**.

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

Public Comment:

Vanessa Lapin, 659 Western Highway, Blauvelt, raised concerns regarding the type of merchandise the applicant would be selling, the lighting at the site and the impact on water.

There being no one else from the Public, a motion was made to close the Public Hearing portion of the meeting by Andrew Andrews 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, abstain and Stephen Sweeney, aye.

SEQRA

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 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, abstain 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.

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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, 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 Drainage Agency, 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.

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On motion by William Young- Vice Chairman 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, abstain and Stephen Sweeney, aye, the Board made a Negative Declaration pursuant to SEQRA.

Conditional Use Permit:

In view of the foregoing and the testimony before the Board, the application was Granted a Conditional Use Permit, pursuant to Chapter 43, Section 8.1 of the Town of Orangetown Zoning Code. The Board made the following Findings and Comments:

- The proposed use, size and character is in harmony with the development in the district in which it is proposed to be situated and will not be detrimental to the zoning classification of such properties.
- The proposed location and size of the use, nature and intensity of operations involved, and the site layout in relation to access streets will not be hazardous to pedestrian or vehicular traffic.
- The proposed location of the use will not hinder or discourage development or use of adjacent land and buildings.
- The proposed use will not require additional public services or create fiscal burdens upon the Town of Orangetown greater than those which characterize uses permitted by right.

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

1. Per Table 3.11, column 4, number 3, a Conditional Use approval is required from the Planning Board for a store specializing in secondhand merchandise.
2. The Short Environmental Assessment Form (SEAF) is incomplete, the applicant must revise and resubmit no later than Noon on the day of the meeting. If the revised SEAF is not received, then the application will be postponed. The SEAF has been received, #7 needs to be answered, then it will be considered complete.

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3. The applicant is reminded that some types of business may require a pretreatment facility onsite and a permit from DEMA. The design of such facilities must be reviewed and approved by DEMA prior to any construction. The applicant shall contact the Orangetown Pre-Treatment Coordinator to determine whether or not this application will fall under the pre-treatment program.
4. The Town of Orangetown Fire Prevention Bureau reviewed the plan and offered the following comments; Construction plans shall include the following information:
- A key lock box if required,
 - Installation or Maintaining an existing fire alarm system,
 - Emergency Lighting where required.
5. Rockland County Department of Planning reviewed the submitted information and offered the following comments:
- The Town shall be satisfied that the proposed secondhand merchandise retailer complies with the standards for conditional uses outlined in Article VIII of the Town Zoning Code.
 - The provided site plan includes the fitness center use for Unit G in the parking calculation. This must be updated to the secondhand merchandise use.
6. The Rockland County Drainage Agency (RCDA) reviewed the provided information and found that RCDA has previously reviewed the site and determined that it is within its jurisdiction. However, the current proposal is for a conditional use permit of an existing building and therefore, a Stream Control Act permit from the RCDA is not requested not. Please note that any future development proposal for this site will require a review and written determination from the RCDA as to whether a permit is required.
7. Orange and Rockland Utilities (O&R) had the following questions regarding the use of the Unit G, please provide the information to O&R and copy the Planning Board with any correspondence.
- Will there be any changes to the layout or the gas facilities? Will the gas facilities be effected by the new applicant? Please contact Alfred Gaddi at GaddiA@oru.com
8. 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 no future correspondence is requested for this site.

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9. 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 #1
- Rockland County Drainage Agency
- Rockland County Department of Planning
- Town of Orangetown Zoning Board of Appeals

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

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

12. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A. 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.

13. Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.

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

15. If the applicant, during the course of construction 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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PB #21-11: 20 Mountainview Avenue – Unit G
Conditional Use Permit
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16. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.

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

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

The foregoing Resolution was made and moved by Andrew Andrews 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, abstain 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.

February 24, 2021
Cheryl Coopersmith
Town of Orangetown Planning Board

TOWN OF ORANGETOWN
2021 MAR 16 A 11:39
TOWN CLERK'S OFFICE

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

**PB #21-11: 20 Mountainview Avenue – Unit G
Conditional Use Permit
Final Conditional Use Permit
Neg Dec.**

Permit #50310

**Town of Orangetown Planning Board Decision
February 24, 2021**

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: 20 Mountainview Avenue – Unit G; Conditional Use Permit

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

DESCRIPTION OF ACTION: Final Conditional Use Permit

LOCATION: The site is located at 20 Mountainview Avenue- Unit G, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 27 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 CLERK'S OFFICE

2021 MAR 16 A 11:40

TOWN OF ORANGETOWN

**PB #21-12: Alatsas Resubdivision Plan
Final Resubdivision Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 24, 2021
Page 1 of 8**

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

RE: Alatsas Resubdivision Plan: The application of George Alatsas, applicant, for Sheila Prisco-Case, Executor for owner, for Prepreliminary/ Preliminary/ Final Resubdivision Plan for the merger of two lots into one, and SEQRA Review at a site to be known as "**Alatsas Resubdivision Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown 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 9 & 11 Bergen Avenue, Palisades, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 7 7.20, Block 2, Lots 85 & 86 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held **Wednesday, February 24, 2021**, the Board made the following determinations:

Jay Greenwell and George Alatsas appeared and testified.

The Board received the following communications:

1. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement (OBZPAE), Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated February 19, 2021.
2. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., February 24, 2021.
3. A letter from Maser Consulting, signed by Jesse Cokeley, PE., dated February 24, 2021.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated February 24, 2021.
5. A letter from Rockland County Department of Planning, from Arlene Miller, Principal Planner, dated January 29, 2021.
6. A notice from Rockland County Department of Highway, signed by Dyan Rajasingham, Engineer III, dated January 27, 2021.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated February 8, 2021
8. A letter from the Town of Orangetown Zoning Board of Appeals signed by Dan Sullivan, Chair, dated February 3, 2021.
9. Project Summary prepared by Jay Greenwell, PLS, dated December 9, 2021.
10. Re-Subdivision Plans of Land for Alatsas dated October 15, 2020:
 - Sheet 1 of 2: Re-Subdivision Plan
 - Sheet 2 of 2: Grading, Drainage, Utility Plan with Erosion Control, revised January 20, 2021.
11. A Short Environmental Assessment Form signed by George Alatsas, dated December 3, 2020.

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2021 MAR 19 A 11:40
TOWN OF ORANGETOWN

**PB #21-12: Alatsas Resubdivision Plan
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The Board reviewed the plan. The meeting was open to the public.

Public Comment:

Helena Powers, 152 Park Avenue, Palisades; raised concerns regarding the sizes of the tax lots and held that the applicant misrepresented the sizes of the lots.

Mary Driscoll, 5 Bergen Avenue, an abutting property owner, noted that the area properties are all on wells and fire hydrants are not available in the neighborhood. She also raised the issue that the roadway was difficult to maneuver since it is only a one-way street.

There being no one else 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- 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, abstain and Stephen Sweeney, aye.

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; Bruce Bond, abstain; Andrew Andrews, aye; 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 Jay Greenwell, PLS and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Highway, Rockland County Sewer District No.1, , and having reviewed a proposed Subdivision plan by prepared by Jay Greenwell, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

TOWN OF ORANGETOWN
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**PB #21-12: Alatsas Resubdivision Plan
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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 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, nay; Bruce Bond, abstain; Andrew Andrews, aye; 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 **Final Resubdivision Plan Approval Subject to the Following Conditions:**

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

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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. Applicant is proposing to combine two 5,000 square foot lots to create one 10,000 square foot lot in the R-15 zoning district.
4. The following Bulk variances are required from the Town of Orangetown Zoning Board of Appeals (ZBA);
 - Table 3.12, R-15 district, Group M,
 - Column 4, maximum floor area ratio is 20% with 30% proposed.
 - column 5, minimum lot area required is 15,000 square feet with 10,000 square feet proposed;
 - column 11, minimum rear yard required is 35 feet with 25' feet proposed
5. Per Chapter 43, Article V, section 5.21(f); *"If two or more adjoining lots are substandard by the regulations of this code and were in single ownership on July 29, 1965, the total parcel of land shall then be subject to regulations as a mean average of those bulk and area dimensions of existing lots within 500 feet on both sides of the street and on both sides of the site in question. In no case shall the building be larger than if the lot were conforming to the zoning district regulations."* Town assessor records show that the two lots were in the same ownership in 1965, a variance is required.
6. A 280A variance is required from the Town of Orangetown ZBA as the two existing lots front along an unimproved road.
7. Review and approval is required from the Town of Orangetown Architecture and Community Appearance Board of Review.
8. The Short Environmental Assessment Form appears to be in order.
9. The applicant shall research the possibility of connecting the proposed sanitary house connection to the sanitary main on Scotti Avenue.
10. In the event that the sanitary house connection for the proposed home cannot be connected to the main in Scotti Avenue, no sanitary facilities or sanitary tie-ins of any kind shall be installed below the finished floor elevation of 41 (first floor - as shown on the drawing) This means no sanitary connections in the basement of the proposed home. This includes but is not limited to; toilets, showers, sinks, slop/ utility sinks, floor drains, clothes washers, dish washers, etc.
11. The drainage calculations provided are under review. However, because the Perc Rate is assumed, soil borings, perc tests and determination of groundwater elevations shall be performed at the subsurface detention system location. These tests shall be performed **PRIOR** to this proposal receiving **Final Approval** to ensure the adequacy of the proposed design. This information shall be added to the drainage calculations. The tests shall be performed in the spring or fall when the ground water table is typically at its highest.

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PLANNING BOARD
MAR 15 2021
11:58 AM

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12. The existing 15 CMP drainage pipe, currently just south of the existing macadam pavement in Bergen Avenue, has an invert on the east side of 38.7. This means that the top of the pipe is at ± 39.95 . The spot elevation shown at the southernmost end of the existing macadam pavement in Bergen Avenue is listed at 39.5. This in turn means that the top of pipe is higher than the existing pavement and will be higher than the proposed extension. The applicant's engineer shall redesign this drainage crossing in order to allow vehicular crossing of the drainage line. The engineer shall also provide calculations for sizing the replacement piping. The calculations shall include the year storm the new pipe shall carry.

13. Flared end sections and riprap shall be added to the proposed new drainage crossing under Bergen Avenue (required under item #12 above.)

14. Profiles for all proposed drainage piping/ facilities shall be added to the plans.

15. A profile that shows all existing underground utilities for the proposed Bergen Avenue Roadway extension shall be added to the plans.

16. The inverts and top elevations of all proposed sanitary clean outs shall be listed on the plans.

17. A profile for the proposed sanitary house connection shall be added to the plans.

18. The proposed Bergen Avenue Road extension shall match up to the existing pavement, both in width (16 feet wide as measured on the plans) and location. Currently, the proposed road extension is only ± 11 -foot wide where it connects to the existing pavement.

19. A separate roadway extension pavement detail shall be added to the plans. This detail shall reflect Town of Orangetown Rural Road specifications for depth of constituents.

20. The sanitary house connection detail provided on sheet #2 is incorrectly labeled as "Rockland County Sewer District #1." This shall be corrected.

21. A note shall be added to the Site Plan indicating the source benchmark for the referenced datum (including the BM elevation.)

22. The Town of Orangetown Bureau of Fire Prevention reviewed the plans and offered the following comments:

- Driveway should be at least 12' wide.
- Driveway shall be designed to support fire apparatus in all weather conditions.

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23. The Drainage Consultant to the Planning Board Maser Consulting, reviewed the application and found that overall, the proposed stormwater management plan meets the intent of the regulations, and therefore, Maser Consulting recommends the Resubdivision of Land for Alatsas be approved for drainage subject to the following project comments.

1. Based on the plans that were submitted, the applicant intends to treat stormwater runoff through the installation of two (2) underground drywells in a gravel bed.
 - a. Details shall be provided for the proposed drywells.
 - b. Details for the inlet grates on the drywells shall also be provided.
 - c. A Zero Net increase study shall be provided for review.
 - d. Elevations for the drywells shall be provided.
 - e. Infiltration testing shall be performed at the location of the drywells
2. While the roof drains are shown connecting to the drywells, the footing drain discharges off the southwest corner of the property in the right-of-way for Bergen Avenue. Is this permissible by the Town?
3. There is a proposed trench drain in the proposed driveway at the property line which appears to discharge to the drywells, again, elevations shall be provided to confirm. What is the plan for stormwater mitigation for the portion of the driveway/roadway area within Bergen Avenue?
4. 50' separation from the proposed well to the proposed drywell gravel bed is depicted on the plans. Please include separation distance to any neighboring wells.
5. Behind the building only has two spot elevations shown, 40.4 and 40.5 and they are about 40 feet apart. This would be too flat and additional grading information shall be provided to ensure adequate drainage exists around the rear and sides of the property.
6. Silt fence is being shown installed across existing gravel area in Bergen Avenue but will that gravel area be removed?
7. Are there any erosion control measures proposed for the proposed utility trenching that will be needed going north in Bergen Avenue? Has the neighbor been informed that their driveway will be disturbed for this trenching

24. 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 no future correspondence is requested for this site.

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

- Rockland County Department of Highways
- Rockland County Sewer District #1
- Town of Orangetown Zoning Board of Appeals

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

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

28. 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.

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

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

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

- Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
- Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

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

30. 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.

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Final Resubdivision Plan Approval
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31. 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.

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

33. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).

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

35. 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

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

The foregoing Resolution was made and moved by Robert Dell 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, abstain; Stephen Sweeney, aye; Robert Dell, aye and Mike McCrory, nay.

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

February 24, 2021
Cheryl Coopersmith
Town of Orangetown Planning Board
attachment



TOWN CLERK'S OFFICE

2021 MAR 16 11:40

TOWN OF ORANGETOWN

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

**Alatsas Resubdivision Plan
Final Resubdivision Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 24, 2021**

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: Alatsas Resubdivision Plan
Final Resubdivision Plan Approval Subject to Conditions/ Neg. Dec.**

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

DESCRIPTION OF ACTION: Resubdivision Plan – Merging of 2 lots into 1 lot
LOCATION: The site is located at 9 & 11 Bergen Avenue, Palisades, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 7 7.20, Block 2, Lots 85 & 86 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, Town Supervisor, Applicant, Involved Agencies

TOWN CLERK'S OFFICE
2021 MAR 16 A 11:40
TOWN OF ORANGETOWN

**PB #21-13: Henry Kaufmann Campground, Inc.
Phase II Masterplan Development
92Y and Camp 12 Trails Site Plan
Final Site Plan Approval Subject to Conditions
Reaffirmation of SEQRA**
TOWN OF ORANGETOWN
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
February 26, 2021
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**TO: Donald Brenner, 4 Independence Avenue, Tappan, New York
FROM: Orangetown Planning Board**

RE: Henry Kaufmann Campgrounds, Inc. Site Plan: The application of Henry Kaufmann Campgrounds, Inc., applicant, for UJA Federation of New York, owner, for Final Phase II Master Plan Development – 92Y and Camp 12 Trails Site Plan Review, at a site known as “**Henry Kaufmann Campgrounds, Inc. 92Y and Camp 12 Trails 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 667 Blauvelt Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.14, Block 1, Lot 28 & Section 69.10, Block 2, Lot 21 in the R-80 zoning district.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held, **Wednesday, February 24, 2021** at which time the Board made the following determinations:

Donald Brenner, Jerry Schwalble and, Donna Maniello appeared and testified. The Board received the following communications:

1. 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 February 19, 2021.
2. Interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated February 24, 2021.
3. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated February 23, 2021.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated February 24, 2021.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated February 4, 2021.
6. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated June 18, 2020.
7. An email from Orange and Rockland Utilities from Alfred Gaddi, PE, dated February 9, 2021.
8. A notice from the Rockland County Highway Department, signed by Dyan Rajasingham, dated February 17, 2021.

TOWN CLERK'S OFFICE

2021 MAR 16 A 11:41

TOWN OF ORANGETOWN

**PB #21-13: Henry Kaufmann Campground, Inc.
Phase II Masterplan Development
92Y and Camp 12 Trails Site Plan
Final Site Plan Approval Subject to Conditions
Reaffirmation of SEQRA**

**Town of Orangetown Planning Board Decision
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9. A letter from Divney, Tung, Schwalbe, dated January 13, 2021, signed by Donna Maiello, Senior Associates, with an attachment.

10. A Project Narrative, dated December 4, 2020, prepared by Donald Brenner, PE, LLB.

11. A Stormwater Pollution Prevent Plan, prepared by Divney, Tung, Schwalbe, dated January, 2021.

12. Survey Plans entitled "Boundary and Topographic Survey Henry Kaufmann Campgrounds" prepared by Jay Greenwell, PLS dated August 10, 2012, last revised June 8, 2017:

- Sheet 1 and Sheet 2

13. Plans entitled "Site Plans for Phase II 92Y and Camp 12 Trails Improvements at the Henry Kaufmann Campgrounds Pearl River" prepared by Divney Tung Schwalbe and Zaskorksi & Associates Architect, dated

March 13, 2020, last revision date of January 13, 2021:

Site/Civil Drawings:

- Cover: Cover Sheet
- SP-0.0: General Notes
- SP-0.1: Overall Site Plan
- SP-0.2: 92Y and 12 Trails Site Plan
- SP-1.0: Existing Conditions and Removals
- SP-2.1 – 2.2: Site Layout Plan
- SP-3.1 – 3.2: Site Grading & Drainage Plan
- SP-4.1 – 4.2: Site Utility Plan
- SP-6.1 – 6.2: Erosion & Sediment Control Plan
- SP-6.3: Erosion & Sediment Control Plan Details
- SP-7.1: Site and Utility Details
- SP-7.2: Site and Utility Details
- SP-7.3: Storm Profiles

Architectural Drawings:

- A-1: 92Y Home Base Plan & Elevation
- A-2: 92Y Central Aquatic Center
- A-3: 12 Trails Home Base Plan & Elevation
- A-4: Camp Services Garage
- A-5: Camp Services Shelter
- A-6: 12 Trails Lifeguard Building

TOWN CLERK'S OFFICE

2021 MAR 19 A 11:41

TOWN OF ORANGETOWN

**PB #21-13: Henry Kaufmann Campground, Inc.
Phase II Masterplan Development
92Y and Camp 12 Trails Site Plan
Final Site Plan Approval Subject to Conditions
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14. Copies of the following Board Decisions: ACABOR #20-49, Approved with an Option, dated October 1, 2020; ZBA#20-53, Section 4.32(b)(i) Variances Approved, dated September 2, 2020 and PB#20-31, Preliminary Site Plan Subject to Conditions/ Neg. Dec., dated July 8, 2020.

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

REAFFIRMATION OF SEQRA

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by William Young, Vice-Chairman and second by Michael Mandel and carried as follows: Thomas Warren - Chairman; aye, William Young, Vice-Chairman, aye; Michael Mandel; aye, Stephen Sweeney; aye, Bruce Bond; abstain, Michael McCrory, aye; Robert Dell; aye and Andrew Andrews; 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 CESO and the Town of Orangetown engineering consultant, Brooker Engineering, and having heard from the following

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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 Drainage Agency, Rockland County Sewer District No.1, New York State Department of Environmental Conservation, Rockland County Planning Department and Rockland County Highway Department and having reviewed the proposed Site Plans by prepared by Divney Tung Schwalbe, 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 William Young, Vice-Chairman and seconded by Michael Mandel and carried as follows: Thomas Warren - Chairman; aye, William Young, Vice-Chairman, aye; Michael Mandel; aye, Stephen Sweeney; aye, Bruce Bond; abstain, Michael McCrory, aye; Robert Dell; aye and Andrew Andrews; 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 **Final Site Plan Approval Subject to the Following Conditions:**

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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. 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. Place this information as a note on the Site Plan.
4. The applicant shall comply with all pertinent and applicable conditions of the prior Board Decision: PB#20-23, Master Plan Approval Subject to Conditions, dated June 1, 2020; ACABOR #20-49, Approved with an Option, dated October 1, 2020; ZBA#20-53, Section 4.32(b)(i) Variances Approved, dated September 2, 2020 and PB#20-31, Preliminary Site Plan Subject to Conditions/ Neg. Dec., dated July 8, 2020.
5. The 12 Trails baseball field and the two play fields are shown as being renovated, however the Approved Final Master Plan indicates that they are to be new and the orientation of said fields is different than this submission. If the intent is to keep the same location and renovate the existing fields, the Master Plan must be amended.
6. 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, the Final Site Plan is stamped by the Chief Clerk to the Board and the construction plans are reviewed and approved by the inspector.

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7. The SWPPP provided is under review by DEME. A formal review shall be sent to the applicant's engineer under a separate cover. However, below is a tentative list of corrections/ additions needed to the SWPPP;

- a) The Summary/ Project Narrative - Section 5 *Project location*, b Description shall clearly identify the specific type of NYSDEC water quality/ quantity system(s) that are being proposed.
- b) The total area of disturbance shall be listed in the very beginning of the SWPPP narrative summary.
- c) The pre and post- construction drainage calculations shall be separated into 2 separate, labeled appendices.
- d) The pre-construction drainage calculations only contain T.O.C. and Runoff CN for the 1 yr. storm. The post-construction calculations only contain the elevation-area volume curve and pond infiltration calculations for the 1 yr. storm. The actual stormwater flows generated by the 1 yr., 10 yr. and 100 yr. storms shall be added to the pre and post construction drainage calculations. The post construction calculations shall also include pond routing/ infiltration, elevation- area volume curve and outlet data for the 10 yr. and 100 yr. storms for all six of the proposed bio-retention basins.
- d) The SWPPP and drainage calculations shall fully explain and show by calculation, why the runoff from some of the proposed facilities (e.g. Relocated Amphitheater 92Y -2) is not being directed into any of the proposed bio-retention basins.
- e) Graphical hydro graphs for all pre and post-construction stormwater flows, for the 1 yr., 10yr. and 100 yr. storms shall be added to the drainage calculations.
- f) Graphical hydro graphs for the routing of the 1 yr., 10 yr. and 100 yr. storms through each of the 6 proposed bio-retention basins, shall be added to the calculations.
- h) Table #6 on page 23 is just a list of the practices, with what needs to be inspected and when, which is good. However, the actual need to be added into a separated, labeled appendix. For example, checklists to be used shall include but not be limited, from *The New York State Standards and Specifications for Erosion and Sediment Control* (Blue Book) - Appendix F, pages F.1 through F.9, the *New York State Stormwater Management Design Manual*, Appendix F, pages F-17 thru F-19, etc.
- i) Table #7 on page 25 is just a list of the practices, with what needs to be inspected and when, which is good. However, the actual checklists for these items need to be added into a separated, labeled appendix. For example, checklists to be used shall include but not be limited, from the *New York State Stormwater Management Design Manual*, Appendix G, pages G-10 thru G-12, etc.

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Continuation of Condition #7...

- j) The project narrative, other pertinent sections of the SWPPP and the design calculations shall SPECIFICALLY reference Chapters 5 – Green Infrastructure and 9 - Redevelopment of the *New York State Stormwater Management Design Manual* and enumerated! describe how these two sections are being addressed, designed for and complied with, within the SWPPP and drawings.
- k) Appendix F shall be relabeled, in the table of Contents as "NOI, SWPPP Certifications Form & MS4 Approval Form.
- l) An appendix shall be added to the SWPPP the contains the specifications, design criteria, installation details, etc. for each and every temporary and permanent soil erosion and control measure to be used on the site. This information can be found throughout the *New York State Standards and Specifications for Erosion and Sediment Control* (Blue Book.)
8. The soil borings, infiltration tests results, found in Appendix A-5 of the SWPPP, shall be signed and sealed.
9. The groundwater condition map/ boring location plans provided shall be relabeled and the word "Proposed" removed.
10. The total area of disturbance (a.o.d.) is listed as 11.7 acres on page 8 of the SWPPP, 11.0 acres in the NOI and 11.74 acres on the drawings. The a.o.d. must be consistent across all of the SWPPP and the drawings. This inconsistency shall be corrected. Also, the breakdown table on the drawings is confusing. In which camp are the Central Aquatic Center and Existing Basketball Courts found?? Are they not a part of these camps?
11. The applicant's engineer's letter of 1/13/21 and the NOI state that not more than 5 acres of disturbance shall occur at any one time. However, the total a.o.d is at least 11 acres See note #4 above.) Therefore, a phasing plan must be proposed and detailed within the SWPPP. The phasing plan must include the number of phases, each and every item that must occur under each phase and their corresponding a.o.d.
12. As previously requested, a table listing every specific item to be removed/replaced/relocated/ abandoned and their related disturbance size, shall be added to the SWPPP and drawings. For example, Existing Shelter 12 to be removed and it's corresponding a.o.d., Existing Shed S-12T-4 to be removed and it's corresponding a.o.d., New Pavilion HB-92Y-10 and it's corresponding a.o.d., Relocated Amphitheater 92Y-2 and its checklists for these items corresponding a.o.d., New Equipment shed and its corresponding a.o.d., and so on. This table shall mirror/ be similar to the table breakdown found on drawings SP-0.1 & 0.2

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13. The areas of disturbance shall be more clearly defined on the drawings.
14. A minimum of two (2) individual cross-sections (not a typical cross section with table of values for all 6 basins) for EACH of the proposed bio-retention basins, depicting the elevations at all the year storms designed for, plus their related storage volumes, included in said cross-sections shall be added to the plans. Also, the plan views of each individual bio-retention basin shall show the full overflow/ outlet piping system for said basins.
15. More information shall be added to the legends on drawings SP-0.1 & 0.2, e.g. what does the heavy shaded building mean? Are they new? Are they relocated?
16. A more graphical distinction shall be made between existing and proposed items on ALL of the drawings. For example, a better distinction between existing and proposed drainage lines on drawing SP-3.1
17. Many profiles for all proposed and relocated stormwater piping are still missing from the drawings. For example, the outlet piping system from every bio-retention basin, New Pavilion HB-92Y-10 to Basin A3 Home, new Pavilion HB-92Y-9 to Basin A3 home, etc.
18. Drain inlets shall be depicted on all underground roof drainage piping right at the new building, where the piping goes underground.
19. The draft post construction stormwater maintenance agreement supplied is under review.
20. Soil borings and perc tests shall be performed at **ALL** the proposed infiltration basin locations. These tests shall be performed **PRIOR** to this proposal receiving **Final Approval** to ensure the adequacy of the proposed design. This information shall be added to the drainage calculations. These tests shall be performed in the spring when the ground water table is typically at its highest.
21. The Town of Orangetown Bureau of Fire Prevention reviewed the provided plans and found that its previous comments have been satisfied.
22. **Drainage Review Recommendation – Brooker Engineering**
Drainage calculations have been provided to demonstrate that potential significant impacts with respect to drainage can be mitigated. The Drainage Consultant, Brooker Engineering therefore recommends that the Henry Kaufmann Campground Site Plan – 92Y and Camp 12 Trails Site Plan be approved for drainage subject to the following Project Comments.

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Continuation of Condition #22...

Project Description

This is the second drainage review report for this project. This portion of the Site Plan involves work at the "92nd Street Y" and "12 Trails" portions of the Kaufmann Campground.

The 92nd Street site plan work includes replacement of three shelters, a new amphitheater, and a new pavilion. The 12 Trails site plan work includes demolition of existing structures, four new pavilions, a new aquatic center, and a new camp services building.

Stormwater runoff from the 92nd Street Y portion of the project flows southeast towards the backyards of the residences on Briarwood Lane. Stormwater detention facilities are proposed for the work in this area and overflows are directed towards a swale that leads to Sickletown Road, thereby bypassing the residences. The site work proposed at the 12 Trails portion of the site is located on a plateau; portions of the stormwater runoff flow west towards the Nauraushaun Brook and portions flow east towards on-site wetlands. Mitigation for increases in stormwater runoff is proposed by a series of underground infiltration systems. A detailed breakdown summarizing changes in impervious areas is included in the Stormwater Management Summary. There is an overall increase in impervious area from 7.65 acres to 8.39 acres.

Project Comments

1. As per the June 24, 2020 review, show positive drainage away from the new Aquatic Center building. More detail shall be provided along the north and west sides of the new buildings. The limits of the trench drain shall be clearly shown and the discharge point of the trench drain shall be added.
2. The 100-year peak stage in the bioretention basin is typically just below the top of berm elevations for each of the basins. It is recommended one foot of freeboard be provided for each basin.

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

1. An updated review must be completed by the County of Rockland Drainage Agency. In addition, the applicant must comply with the comments made in their letter of June 22, 2020.
2. An updated review must be completed by the County of Rockland Department of Highway. In addition, the applicant must comply with the comments made in their letter of August 4, 2020.
3. 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 August 19, 2020.

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4. The Floodplain Administrator for the Town of Orangetown shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.
5. The applicant must provide as-built drawings and other documentation to New York State Department of Environmental Conservation, Region 3, that illustrate the design and installation of the petroleum bulk storage tanks, as per code. These tanks must also be registered with them.
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 the peak rate of discharge from the site at all design points.

24. The Rockland County Drainage Agency (RCDA) reviewed the submitted information and provided the following comments:
RCDA has previously reviewed the above referenced site and determined that it is within the jurisdiction of the RCDA and that it is currently in violation for the work done at the site without the required permit from the RCDA, as per violation letter dated November 29, 2017. A permit application was submitted by the applicant to address the existing site violations, under Application No. 18-01; however, the violations have not been abated as of the date of this email. Please note that a permit from the RCDA pursuant to the Rockland County Stream Control Act is required for the above referenced development proposal at this site; however, a permit cannot be issued until all existing site violations are abated. Therefore, the RCDA requests the Town of Orangetown municipal departments not to grant final approvals for new proposals until the RCDA notify that all violations have been abated or permit/ application files are closed.

25. Orange and Rockland Utilities has reviewed the submitted information and provided the following comment:

- Orange and Rockland has multiple services feeding various buildings for the proposed building reconstructions and renovations. The developer shall contact O&R's new business department for service terminations and relocations prior to the work.

26. The New York State Department of Environmental Conservation (DEC) indicated that based upon its review of the circulated documents, NYSDEC offered the following comments:

- **Protection of Waters:** The following waterbodies are located within or near the site indicated:

<u>Name</u>	<u>Class</u>	<u>DEC Water Index Number</u>	<u>Status</u>
Nauraushaun Brook	C(T)	NJ-1-4	Protected
Tributary of Nauraushaun Brook	C(T)		Protected
Tributary of Nauraushaun Brook	B		Protected
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A Protection of Water permit is required to disturb to physically disturb the bed or banks (up to 50 feet from stream) of any streams identified as "protected". A time restriction may be required for protection of cold-water trout fisheries (water classified under Article 15 of the Environmental Conservation Law (ECL) with a "T" or "TS" designation), beginning October 1 and ending April 30. If a permit is not required, please note, however, you are still responsible for ensuring that work shall not pollute any stream or water body. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.

- **Freshwater Wetlands:** This project site is not within New York State protected Freshwater Wetlands.
- **Water Quality Certification:** If the US Army Corps of Engineers requires a permit for work completed in or impacting a federal wetlands or waters of the U.S., you will need a Section 401 Water Quality Certification from the Department.
- **State – Listed Species:** No records of sensitive resources were identified by this review. The absence of data does not necessarily mean that rare or state listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, the files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. The DEC cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.
- **State Pollutant Discharge Elimination System (SPDES):** Since the project activities will disturb over one acre of land, the project sponsor must obtain coverage under the current SPDES General Permit for Stormwater Discharge from Construction Activity (GP-0-15-002), and a Stormwater Pollution Prevention Plan (SWPPP) must be developed which conforms to requirements of the General Permit. As this site is within a Municipal Separate Storm Sewer System (MS4) community, the municipality is responsible for review and acceptance of the SWPPP, and the MS-4 Acceptance Form must be submitted to the DEC.

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- **SPDES Sanitary Permit:** The Environmental Assessment Form (EAF) indicates that the site is served by an existing septic system. In addition, the EAF notes that a new subsurface septic system is proposed at the project site. Please note, sewage effluent discharges of 1,000 gallons per day (gpd) or greater to groundwater are regulated under Article 17, Titles 7 and 8 of the Environmental Conservation Law (ECL) and require a SPDES permit.
- **Water Withdrawal:** According to the EAF, the proposed project site will be served by the existing SUEZ Water District. Note that additional Department approval may be required to ensure that the site is covered under an existing Water Withdrawal permit and does not exceed the authorized maximum taking of water into the existing water district or service area.
- **Dams:** The Henry Kaufmann Pond Dam, DEC Dam ID#214-4103, hazard code A, is located on-site. Note that all dams are subject to compliance with 6 NYCRR Part 973, Dam Safety Regulations. Modifications to this dam may require a Protection of Waters, Dams, permit.
- **Cultural Resources:** DEC has reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources. Visit NYS Office of Historic Preservation website at nysparks.com/shop/online-tools.
- **FEMA Floodplain:** The project site is located within a Federal Emergency Management Agency (FEMA) Floodplain. The municipality will determine if any additional jurisdictions are applicable to the proposal.
- **Chemical Bulk Storage (CBS) Program:** The EAF indicates that the proposed project will include bulk storage of chlorine. The CBS Program applies to properties that store a substance classified as 'hazardous' pursuant to 6-NYCRR Part 597 in:
 - An aboveground storage tank larger than 185 gallons
 - Any size underground storage tank; or
 - In a container that can store 1,000kg or more for a period of 90 consecutive days or more.

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If the property meets the above criteria, it is considered a "facility" and all tank systems must be registered with the DEC and managed in compliance with applicable regulations for the storage and handling of hazardous substance.

- Other permits from DEC or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and therefore, the applicant should verify the need for permits if the project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified.

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 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. 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.

29. 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.

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

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31. 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:

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

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

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32. 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.

33. 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.

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

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

36. 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

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

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

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: February 24, 2021
Cheryl Coopersmith
Town of Orangetown Planning Board**

TOWN OF ORANGETOWN
2021 MAR 19 A 11:42
TOWN CLERK'S OFFICE

**PB#21-14: Wells Fargo Lighting Site Plan
Final Site Plan Approval Subject
to Conditions/ Neg. Dec.**

Permit # 50580

**Town of Orangetown Planning Board Decision
February 24, 2021
Page 1 of 6**

**TO: Natalie Sell, 1217 Greycrest Place, Diamond Bar, CA 91765
FROM: Orangetown Planning Board**

RE: Wells Fargo Lighting Site Plan: The application of Wells Fargo, applicant for Pearl River Shoprite Associates, owner, for Prepreliminary/ Preliminary/ Final Lighting Site Plan and SEQRA Review at a site known as **"Wells Fargo Lighting 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 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 26 Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.13, Block 1, Lot 9 in the CC zoning district.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held **Wednesday, February 24, 2020**, the Board made the following determinations:

Josh Waggoner appeared and testified.

The Board received the following communications:

1. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, Director, dated February 19, 2021.
2. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated February 24, 2021.
3. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated February 24, 2021.
4. Letters from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated February 4, 2021 and Michael Kezner, dated February 9, 2021.
5. A notice from the Rockland County Highway Department, signed by Ryan Rajasingham, P.E., dated January 27, 2021.
6. A letter from Rockland County Sewer District, signed by Joseph LaFiandra, Engineer II, dated February 8, 2021.
7. A letter and a notice from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated February 3, 2021.
8. A notice from Suez, signed by Bill Prehoda, dated February 19, 2021.
9. A Project Narrative prepared by GMR Facility Analysis & Engineering, dated December 15, 2020, signed by Amanda Hense, Project Manager, with an attachment.
10. A letter from Independence Engineering, signed by Neil Sanders, PE., dated January 18, 2021.
11. A Short Environmental Assessment Form, signed by Natalie Sell, Project Manager, dated December 16, 2020.

TOWN CLERK'S OFFICE

2021 MAR 16 A 11:42

TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
February 24, 2021
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12. Building Permit Referral dated September 4, 2020 signed by Rick Oliver, Building Inspector.

13. Color photographs prepared by GMR of site with proposed lighting.

14. Lighting Site Plans prepared by Independence Engineering, dated February 7, 2020, last revised October 12, 2020:

- C1: Site Notes
- C2: Site
- C3: ATM Compliance
- C4: Existing Conditions
- C5: ATM Compliance Existing Conditions
- C6: Lighting Details
- E 101: Site Electric Plan

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

ACABOR

The Planning Board granted a waiver of the Architecture and Community Appearance Board of Review.

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

SEQRA

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Andrew Andrews and seconded by Michael Mandel and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Bruce Bond, abstain; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, aye, and Mike McCrory, aye the Board declared itself Lead Agency.

TOWN OF ORANGETOWN
2021 MAR 16 A 11:42
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
February 24, 2021
Page 3 of 6**

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, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The 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 Sewer District No. 1, Town of Orangetown Zoning Board of Appeals, Rockland County Planning Department, a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

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Town of Orangetown Planning Board Decision
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On motion by Andrew Andrews and seconded by Michael Mandel and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Bruce Bond, abstain; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, aye, and Mike McCrory, 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 **Final Lighting Site Plan Approval Subject to the Following Conditions:**

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The Short Environmental Assessment Form (SEAF) must be revised as follows;
Part 1:
Number 3 a and c must be revised to indicate correct acreage
Number 5, a and b should be YES
Number 6, should be YES
Number 8, b should be YES
Number 10 & 11 indicate N/A
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, the Final Site Plan is stamped by the Chief Clerk to the Board and the construction plans are reviewed and approved by the inspector.

TOWN OF ORANGETOWN
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**Town of Orangetown Planning Board Decision
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Page 5 of 6**

5. Rockland County Department of Planning had the following comment which are incorporated herein as conditions of approval:
 - Since the proposed site and lighting plan will have no adverse impacts on any County-wide interests, this matter is remanded for local determination.
6. The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.
7. The 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 Planning
 - Town of Orangetown Zoning Board of Appeals
8. 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.
9. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
10. 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.
11. 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.

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**Town of Orangetown Planning Board Decision
February 24, 2021
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12. 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).

13. 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.

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

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

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

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

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

February 24, 2021
Cheryl Coopersmith
Town of Orangetown Planning Board
attachment



TOWN CLERK'S OFFICE

2021 MAR 16 4:11:44
TOWN OF ORANGETOWN

**NEGATIVE DECLARATION
Notice of Determination of Non-Significance
Town of Orangetown Planning Board Decision**

**PB#21-14: Wells Fargo Lighting Site Plan
Final Site Plan Approval Subject
to Conditions/ Neg. Dec.**

Permit # 50580

**Town of Orangetown Planning Board Decision
February 24, 2021**

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.

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

DESCRIPTION OF ACTION: Wells Fargo Lighting Site Plan Final Site Plan Approval Subject to Conditions/ Neg. Dec.

LOCATION: The site is located at 26 Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.13, Block 1, Lot 9 in the CC zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

TOWN OF ORANGETOWN
MAR 19 11:42
2021

PB#21-15: Kennedy Site Plan **Permit # 50759**
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision
February 24, 2021
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TO: Margaret Fowler, 500 N. Broadway, Upper Nyack, New York
10960
FROM: Orangetown Planning Board

RE: Kennedy Site Plan – Critical Environmental Area: The application of Joe Kennedy, owner, for Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review for addition and alterations, at a site known as “**Kennedy 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 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 815 Route 9W, Upper Grandview, in the Critical Environmental Area, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 75.05, Block 1, Lot 7.1 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held **Wednesday, February 24, 2021**, the Board made the following determinations:

Meg Fowler appeared and testified.

The Board received the following communications:

1. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, Director, dated February 19, 2021.
2. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated February 24, 2021.
3. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated February 8, 2021.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated February 24, 2021.
5. Letters from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated February 22, 2021 and Michael Kezner, dated February 17, 2021.
6. A notice from the Rockland County Highway Department, signed by Ryan Rajasingham, P.E., dated January 28, 2021.
7. A letter from Rockland County Sewer District, signed by Joseph LaFiandra, Engineer II, dated February 8, 2021.
8. Letters from the Village of Grand View-on-Hudson, signed by Julie Pagliaroli, Village Clerk/Treasurer, dated January 27, 2021.

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Town of Orangetown Planning Board Decision

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9. Letters from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated February 3, 2021.
10. A Short Environmental Assessment Form, signed by Meg Fowler, RA and Paul Gdanski, PE dated December 17, 2020.
11. Site Plan prepared by Paul Gdanski, PE dated March 4, 2020.
12. Architectural Plan prepared by Margaret Fowler, RA, dated March 25, 2020:
 - A-0.0: LL Demolition Plans & General Notes
 - A-0.1: Lower Level Construction Plan
 - A-0.2: Lower Level Power & Lighting
 - A-1.0: Main Level Construction Plan
 - A-1.1: Main Level Power & Lighting
 - A-2.0: Upper Level Construction Plan
 - A-2.1: Upper Level Power & Lighting
 - A-3.1: Roof Plan
 - A-4.1: West & North Elevations
 - A-4.2: South & East Elevations
 - A-5.1: Building Section Looking East
 - A-5.2: Building Section Looking North
 - A-6.1: Interior Elevations - Kitchen
 - A-7.1: Wall Sections
13. Building Permit Referral dated October 30, 2020 signed by Rick Oliver, Building Inspector.

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

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Stephen Sweeney and seconded by Michael Mandel and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Bruce Bond, abstain; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, aye, and Mike McCrory, aye the Board declared itself Lead Agency.

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Town of Orangetown Planning Board Decision

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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 Margaret Fowler, RA and Paul Gdanski, PE and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The 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 Highway Department, Town of Orangetown Zoning Board of Appeals, Rockland County Department of Planning, Rockland County Sewer District No. 1, Village of Grand View-On-Hudson, and having reviewed proposed Site Plan by prepared by Paul Gdanski, PE and Meg Fowler, RA, 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;

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Town of Orangetown Planning Board Decision
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- 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- Vice Chairman and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Bruce Bond, abstain; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, aye, and Mike McCrory, 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 Site Plan Approval Subject to the Following Conditions:**

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The following Bulk variances are required;
 - Table 3.12, R-22 district, Group I,
 - Column 8, minimum front yard required is 40 feet with 17.4' feet proposed
 - Section 5.21(b)(e), undersized lot applies;
 - Minimum side yard required is 24 feet with 8.2 feet proposed
 - Maximum building height allowed is 20 feet with 20.9' proposed.
4. The following items must be completed on the SEAF;
 - Part 1, Name, address and contact information for the Applicant or Sponsor.
 - Part 1, number 7; should say Town of Orangetown, Critical Environmental Area.

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5. The purpose of this project is unclear to DEME. The Short Environmental Assessment Form – *Brief Description of Proposed Action* clearly states “Construction of Addition and drainage.” The drawing has callouts for “Proposed trench drain” and Proposed Drywells (3).” The drawing also has some drainage calculations. However, note #20 clearly states “The proposed addition is replacing existing impervious surfaces and gravel, therefore no drywell is proposed for the addition.” So, which is it. Please clarify.

6. IF the project does indeed include new addition and drainage as per the EAF, please find the following comment/ recommendations:

a. The applicant’s engineer shall specify whether the Perc Rate given in the supplied drainage calculations (on drawing) is assumed or based upon a field survey.

b. If the Perc Rate is from a field survey, DEME was **NOT** notified of these tests. This is critical because if DEME had been notified, the applicant/building/ owner/ design engineer would have been informed that soil borings and determination of ground water are also required for the proposed subsurface (drywell) locations and that DEME prefer that these tests are performed in the fall or the spring. A signed and sealed copy (by a NYS licensed Professional Engineer) of the perc test results shall be added to the drainage calculations. The perc tests results shall indicate the method of testing/ depth of test holes(s) and when they were done. If not done during the spring or fall, the perc test shall be redone. Also soil borings and determinations of groundwater tests are also required to be completed. These tests shall be performed **PRIOR** to this proposal receiving **Final Approval** to ensure the adequacy of the proposed design. Notifications for any and all tests will be made to DEME before said tests.

c. If the per rate is assumed, soil borings, per tests and determination of ground water elevations shall be performed at the subsurface detention system location. These tests shall be performed **PRIOR** to this proposal receiving **Final Approval** to ensure the adequacy of the proposed design. This information shall be added to the drainage calculations. The tests shall be performed in the spring or fall when the ground water table is typically at its highest.

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Continuation of Condition #6...

d. The applicant's engineer shall provide copies of all required testing to DEME and the Building Department and add them to drainage calculations.

e. The drawing APPEARS to show (see comment #7 above) that stormwater runoff is being captured for storage from the existing driveway in lieu of capturing runoff from proposed addition and deck. This is an assumption because nothing like this is mentioned in the calculations. If this is the case, the applicant engineer shall add the following information to the drainage calculations; total SQ. FT. of new impervious area, total SA. FT. of compensation impervious area to be captured, etc. Also, it is recommended that the drainage calculations be provided on an 8½ x 11 document and removed from the drawing. Lastly, the drainage calculations shall include a project narrative.

7. The Soil erosion and sediment control symbols shall conform to NYSDEC standards.

8. Due to the existing slopes, the proposed silt fencing shall be reinforced with hay bales. A detail for same shall be added to the drawings.

9. All existing sanitary cleanouts, with top elevations, shall be shown along the sanitary house connections.

10. The datum for the contours shall be given on the Site Plan. A note shall be added to the Site Plan, indicating the source benchmark for the referenced datum, including the BM elevation.

11. Drainage Review Recommendation – Brooker Engineering

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 Drainage Consultant, therefore recommends that the Kennedy Site Plan be approved for drainage subject to the following Project Comments.

Project Description

This is the first drainage review report for this project. The property is located on the east side of Route 9W; land slopes downhill to the east towards the walking path. The project consists of a building addition on the north side of the house. Minor regarding of the driveway will be required. Stormwater management facilities are proposed in the form of drywells east of the driveway.

TOWN CLERK'S OFFICE

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**Town of Orangetown Planning Board Decision
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Continuation of Condition #11...

Project Comments

1. Show proposed grading in front of the new garage that directs stormwater runoff around the addition and existing structure.
2. Show proposed contours in the driveway that support the trench drain rim elevation of 236.8.
3. Show the footing drain for the new addition and how the structure will tie into existing grade at the west side of the addition.
4. Include an existing conditions part plan in vicinity of the addition that shows all existing retaining walls and grading prior to any improvements.
5. Provide the overall depth of the drywell in the detention basin drywell detail. Show the effective depth of drywell as measured from the outlet pipe.
6. Provide a drainage area map that supports the area diverted to the drywell system.
7. Show the invert elevations of all drywells and pipes. Provide the pipe diameter and slope of the pipe from the trench drain to the drywells.
8. Remove the reference to side surface area on Line 6 of the Drywell Design calculations.

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

- A review must be completed by the New York State Department of Transportation, any concerns addressed and all required permits obtained.
- A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.
- Since the parcel is located in a Critical Environmental Area, a review shall be completed by the New York State Department of Environmental Conservation and all required permits obtained.
- The Villages of Grand View-on-Hudson and Piermont are two of the reasons this proposal was referred to Rockland County Department of Planning. The municipal boundary of Grand View-on Hudson is along the eastern property line of the site. The municipal boundary of Piermont is approximately 300 feet south of site. As required under Section 239nn of the State General Municipal Law, the villages 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 any start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the New York State Guidelines 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 Rockland County Department of Planning requests the opportunity to review the variances that are needed to implement the proposed site plan, as required by NYS General Municipal Law, Section 239—m(3)(a)(v).

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**Town of Orangetown Planning Board Decision
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13. The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.

14. The Village of Grand View-on-Hudson has no objection to the Orangetown Planning Board acting as lead agency for the project. Please send all future correspondence for review.

15. 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 Planning
- Rockland County Highway Department
- Town of Orangetown Zoning Board of Appeals
- Rockland County Department of Planning
- Village of Grand View-On-Hudson

16. 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.

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

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:

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Continuation of Condition #18...

- 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.

19. 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.

20. 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.

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

22. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).

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

24. 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

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

26. 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.

The foregoing Resolution was made and moved by William Young- Vice Chairman and seconded by Stephen Sweeney and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Bruce Bond, abstain; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, aye, and Mike 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: February 24, 2021
Cheryl Coopersmith
Town of Orangetown Planning Board
attachment

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TOWN CLERK'S OFFICE

**NEGATIVE DECLARATION
Notice of Determination of Non-Significance
Town of Orangetown Planning Board Decision**

PB#21-15: Kennedy Site Plan **Permit # 50759**
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision
February 24, 2021

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: Kennedy Site Plan Preliminary Site Plan Approval
Subject to Conditions – Critical Environmental Area**

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

DESCRIPTION OF ACTION: Site Plan Review – Critical Environmental Area

LOCATION: The site is located in the 815 Route 9W, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 75.05, Block 1, Lot 7 in the R-22 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

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