

TOWN OF ORANGETOWN PLANNING BOARD
Virtual Meeting of Wednesday, May 12, 2021

Thomas Warren, Chairman
Michael Mandel
Andrew Andrews
Stephen Sweeney

William Young, Vice-Chairman
Michael McCrory
Robert Dell
Bruce Bond (alternate)

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 virtual 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:

Continued item from April 14, 2021 Meeting

Hudson Crossing Monument Sign and Location Plan

Prepreliminary/ Preliminary/
Final Monument Sign
and Sign Location Plan
and SEQRA Review
100 Corporate Drive, Blauvelt
65.18/1/16; LI/LIO zoning district

**Final Approval Subject
to Conditions
Neg. Dec.**

PB #21-21

Continued item from November 12, 2020 Meeting

**Ebenezer Full Gospel Church
Building Addition Site Plan**

Prepreliminary/ Preliminary/
Final Site Plan and SEQRA Review
136 Sunset, Blauvelt
70.05/1/16; R-80 zoning district

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

PB #20-50

Continued item from February 10, 2021 Meeting

**3 Tweed Boulevard Site Plan
Critical Environmental Area**

Prepreliminary/ Preliminary/
Final Site Plan and SEQRA Review
3 Tweed Boulevard, Upper Grandview
71.05/1/22.4; R-22 zoning district

**Continued to the
May 26, 2021 Meeting
Revise Plan with
Patio Dimensions**

PB #21-08

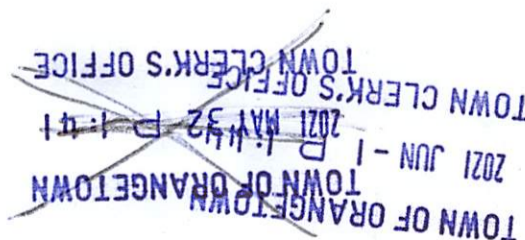
Continued item from January 13, 2021 Meeting

Johnston Site Plan

Critical Environmental Area
Prepreliminary/ Preliminary/
Final Site Plan and SEQRA Review
155 Tweed Blvd., Upper Grandview
75.05/1/16; R-22 zoning district

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

PB#21-02



May 12, 2021 Planning Board Meeting

The decisions of the April 28, 2021 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Andrew Andrews and seconded by Michael Mandel and carried as follows: Thomas Warren – Chairman, aye; William Young - Vice-Chairman, aye; Michael Mandel, aye; Stephen Sweeney, abstain; 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 Michael Mandel and seconded by Andrew Andrews and agreed to by all in attendance. The meeting was adjourned at 8:45 p.m. The next Planning Board meeting is scheduled for May 26, 2021.

DATED: May 12, 2021

**Cheryl Coopersmith
Town of Orangetown Planning Board**



TOWN OF ORANGETOWN
2021 JUN -1 P 1:44
TOWN CLERK'S OFFICE

TOWN OF ORANGETOWN
~~2021 MAY 32 P 1:44~~
TOWN CLERK'S OFFICE

TOWN OF ORANGETOWN PLANNING BOARD
Virtual Meeting of Wednesday, May 12, 2021

Thomas Warren, Chairman
Michael Mandel
Andrew Andrews
Stephen Sweeney

William Young, Vice-Chairman
Michael McCrory
Robert Dell
Bruce Bond (alternate)

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 virtual 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:

Continued item from April 14, 2021 Meeting

Hudson Crossing Monument Sign and Location Plan

Prepreliminary/ Preliminary/
Final Monument Sign
and Sign Location Plan
and SEQRA Review
100 Corporate Drive, Blauvelt
65.18/1/16; LI/LIO zoning district

**Final Approval Subject
to Conditions
Neg. Dec.**

PB #21-21

Continued item from November 12, 2020 Meeting

**Ebenezer Full Gospel Church
Building Addition Site Plan**

Prepreliminary/ Preliminary/
Final Site Plan and SEQRA Review
136 Sunset, Blauvelt
70.05/1/16; R-80 zoning district

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

PB #20-50

Continued item from February 10, 2021 Meeting

**3 Tweed Boulevard Site Plan
Critical Environmental Area**

Prepreliminary/ Preliminary/
Final Site Plan and SEQRA Review
3 Tweed Boulevard, Upper Grandview
71.05/1/22.4; R-22 zoning district

**Continued to the
May 26, 2021 Meeting
Revise Plan with
Patio Dimensions**

PB #21-08

Continued item from January 13, 2021 Meeting

Johnston Site Plan

Critical Environmental Area
Prepreliminary/ Preliminary/
Final Site Plan and SEQRA Review
155 Tweed Blvd., Upper Grandview
75.05/1/16; R-22 zoning district

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

PB#21-02

TOWN CLERK'S OFFICE
2021 JUN - 1 P 1:51
TOWN OF ORANGETOWN

May 12, 2021 Planning Board Meeting

The decisions of the April 28, 2021 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Andrew Andrews and seconded by Michael Mandel and carried as follows: Thomas Warren – Chairman, aye; William Young - Vice-Chairman, aye; Michael Mandel, aye; Stephen Sweeney, abstain; 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 Michael Mandel and seconded by Andrew Andrews and agreed to by all in attendance. The meeting was adjourned at 8:45 p.m. The next Planning Board meeting is scheduled for May 26, 2021.

DATED: May 12, 2021

**Cheryl Coopersmith
Town of Orangetown Planning Board**



TOWN OF ORANGETOWN
2021 JUN - 1 P 1:51
TOWN CLERK'S OFFICE

**PB #21-22: Hudson Crossing Monument Sign
Sign Location Plan
Final Approval Subject to Conditions
Neg. Dec.**

Permit #46859

**Orangetown Planning Board Decision
May 12, 2021
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**TO: Nicole Vasquez, 900 Route 9 North, Suite 400, Woodbridge,
New Jersey, 07095**
FROM: Orangetown Planning Board

RE: Hudson Crossing Monument Sign and Location Plan: The application of Onyx Management Group, applicant, for AG-OE 100 Corporate Drive Road Owner LLC, owner, for Prepreliminary/ Preliminary/ Final Monument Sign and Sign Location Plan and SEQRA Review at a site known as "**Hudson Crossing Monument Sign and Location 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 100 Corporate Drive, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.18, Block 1, Lot 16 in the LI/LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at virtual meetings held **Wednesday, April 14 and May 12, 2021**, at which time the Board made the following determinations:

April 14, 2021

Nicole Vasquez, Seth Mandelbaum, Morgan Stanley, Franz Laki, Sharon Brandt, and Martin Jacobson 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., AIA, Director, dated March 29, 2021.
2. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 26, 2021.
3. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated March 24, 2021.
4. Letter from Rockland County Department of Planning, from Douglas Schuetz, Action Commissioner of Planning dated March 11, 2021.
5. Notices from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated March 11, 2021.
6. Letter from the Rockland County Sewer District, signed by Joseph LaFiandra, Engineer II, dated March 23, 2021.
7. Letter from the New York State Department of Transportation signed by Stephen DeMassio, PE, Acting Resident Engineer, dated March 17, 2021.
8. Letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated March 3, 2021.

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**Orangetown Planning Board Decision
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9. Short Environmental Assessment Form signed by Nicole Vasquez, dated February 5, 2021.
10. Sign location Plan prepared by SESI Consulting Engineers, dated February 11, 2021.
11. Sign Plan prepared by Forman Signs, dated September 21, 2020.
12. Copy of the Building Permit Referral, dated October 21, 2020, signed by Rick Oliver, Building Inspector.
13. Letter from McCullough, Goldberger & Staudt, dated February 12, 2021, signed by Seth Mandelbaum.

The Board reviewed the plan. The meeting was then open to the public.

The Applicant requested a **CONTINUATION**.

May 12, 2021

Nicole Vasquez and Seth Mandelbaum 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., AIA, Director, dated April 30, 2021.
2. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 3, 2021.
3. Revised Short Environmental Assessment Form signed by Seth Mandelbaum, dated April 27, 2021.
4. Letter from McCullough, Goldberger & Staudt, dated April 28, 2021, signed by Seth Mandelbaum.
5. Sign #5 – New Location Curved Wall Sign, prepared by Forman Signs, dated April 23, 2021: Pages 1, 2 & 3.
6. Sign #6- SF Directional – Large Sign, prepared by Forman Signs, dated April 26, 2021: Pages 1 & 2.

The Board reviewed the plan. The meeting was then open to the public.

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

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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; Stephen Sweeney, aye; Bruce Bond, abstain, Michael McCrory, aye; 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, 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: Town of Orangetown Zoning Board of Appeals, Rockland County Drainage Agency and Rockland County Sewer District No.1 and having reviewed proposed Sign Location and Directional Plans, a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;

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**Orangetown Planning Board Decision
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- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

On motion by Michael Mandel and seconded by William Young, Vice Chairman and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Michael Mandel, aye; Robert Dell, aye; Stephen Sweeney, aye; Bruce Bond, abstain, Michael McCrory, aye; 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 Approval Subject to the Following Conditions:**

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

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3. The applicant has reduced the Entrance Monument Signage from 147 square feet to 53.24 square feet.

4. Chapter 43, Table 3.11, Column 5, one sign 30 square feet per side is permitted in the LIO zoning district. Two signs are proposed, the entrance monument sign located on the east side of the property facing Route 303 is proposed at 53.24 square feet and the double-sided directional monument located on the north side of the property at 60 square feet. The required setback to the directional sign is 20'-0" with 5'-0" proposed. Variances are required from the Town of Orangetown Zoning Board of Appeals.

5. The applicant shall make application to appear at the Town of Orangetown Architecture and Community Appearance Board of Review for review and approval of the colors and design of the proposed signs.

6. The Short Environmental Assessment Form appears to be in order.

7. The actual utility mains, metes and bounds, page and liber number, or instrument number, and ownership of all existing easements and Right-of-Way shall be shown on the plan.

8. The Town of Orangetown Bureau of Fire Prevention reviewed the plans and had no comments at this time.

9. The Rockland County Department of Planning offered the following comments:

- A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- Variances will be required to permit the size of the entrance sign and the location of the directory sign. Rockland County Planning Department requests the opportunity to review these variances as required by New York State General Municipal Law Section 239-m(3)(a)(v).

10. 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.

11. The New York State Department of Transportation reviewed the submitted documents and found that this project does not have direct impact to the State Highway system and the NYSDOT has no additional comments to offer at this time

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**Orangetown Planning Board Decision
May 12, 2021
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12. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans and Decisions prior to signing the final plans.

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

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

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

15. 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.

16. 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 #16...

- 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.

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

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

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

20. 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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**Orangetown Planning Board Decision
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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.

Override

The Board made a motion to override Conditions #1 and #2 of the March 11, 2021 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

“1. A single sided sign may only be equal or less than 30 SF in the LO and LIO zoning districts. At 163.6 SF, this sign is 544% greater than what is permitted. Permitting this oversized sign can set a precedent and encouraged nearby uses along the State highway to request similar exemptions. This can result in the proliferation of oversized signs that distract drivers and have an adverse effect on the safe and efficient flow of traffic along the State highway. If your Board finds there is a pattern of requests for oversized signs, and that some rationale exists for lessening the Town’s standards, we suggest a recommendation be made to the Town Board to revise the sign standards on parcels that front high-volume traffic corridors.”

“2. With regards to the directory monument sign, we are recommending modifications for the following reason:

Recently, our department received a Local Law to update the sign code for the Town. Within the Local Law, Column 5 of the Table of General Use Regulations for the LO zoning district was corrected to fix an error where the sign setback from the lot line was not stated. Currently, this distance is unclear. If the 20-foot setback was adopted, the sign is 75% deficient in meeting this new Local Law requirement. As located, the sign can create sight distance and traffic safety issues. The Town must determine a more appropriate location for the sign so that the 20-foot setback can be achieved.”

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TOWN OF ORANGETOWN

**PB #21-22: Hudson Crossing Monument Sign
Sign Location Plan
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**Orangetown Planning Board Decision
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The Board held that the applicant reduced the scale of the sign and designed a sign more appropriate to this particular property. The sign is low level, mitigates any problems with size and substantially reduced the square footage of the sign. The material of the sign reflects the brick on the existing façade of the building.

A motion to override conditions #1 and #2 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; Andrew Andrews, aye; Bruce Bond, abstain; Robert Dell, aye; Stephen Sweeney, aye, and Michael McCrory, aye.

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

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

**Dated: May 12, 2021
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown Planning Board
attachment**



TOWN CLERK'S OFFICE
2021 JUN -1 P 1:50
TOWN OF ORANGETOWN

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

**PB #21-22: Hudson Crossing Monument Sign
Sign Location Plan
Final Approval Subject to Conditions
Neg. Dec.**

Permit #46859

**Orangetown Planning Board Decision
May 12, 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: Hudson Crossing Monument Sign & Location Plan

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

DESCRIPTION OF ACTION: Monument Sign Location Plan Review

LOCATION: The site is located at 100 Corporate Drive, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.18, Block 1, Lot 16 in the LI/LIO zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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 JUN - 1 P 1:50
TOWN OF ORANGETOWN

**PB#20-50: Ebenezer Full Gospel Church
Building Addition Site Plan
Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

Permit #50525

**Town of Orangetown Planning Board Decision
May 12, 2021
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TO: Jay Greenwell, PLS, 85 Lafayette Avenue, Suffern, New York

FROM: Orangetown Planning Board

RE: Ebenezer Full Gospel Church Building Addition Site Plan, continued item from the November 12, 2020 Meeting: The application of Ebenezer Full Gospel Assembly, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site known as **“Ebenezer Full Gospel Church Building Addition 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 136 Sunset, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.05, Block 1, Lot 16 in the R-80 zoning district.

Heard by the Planning Board of the Town of Orangetown at virtual meetings held **Wednesday, November 12, 2020 and May 12, 2021**, at which time the Board made the following determinations:

November 12, 2020

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 November 9, 2020.
2. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated November 10, 2020.
3. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated November 11, 2020.
4. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated October 16, 2020 and Michael Kezar, dated October 8, 2020.
5. Notice from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated October 7, 2020.
6. Letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer I, dated November 10, 2020.
7. Letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated October 14, 2020.
8. Town of Orangetown Zoning Board of Appeals, signed by Danial Sullivan, Chair, dated October 7, 2020.
9. Project Narrative from the Jay Greenwell, OLS, dated September 17, 2020.
10. Hydraulic Analysis and Stormwater Design Calculations prepared by Paul Gdanski, PE, dated September 17, 2020.

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11. Hydraulic Analysis and Stormwater Design Calculations prepared by Paul Gdanski, PE, dated March 28, 2020, last revised April 1, 2021.
12. Site Plan for Ebenezer Full Gospel Assembly prepared by Jay Greenwell, PLS, dated November 12, 2020:
Drawing 1: Site Plan revised September 15, 2020
Drawing 2: Grading, Drainage & Utility Plan revised September 16, 2020
Drawing 3: Details revised September 16, 2020
13. Filed Site Plan for Ebenezer Full Gospel Assembly, prepared by Adler & Young, dated July 1, 1995, last revised August 4, 1998.
14. Email from Cheryl McNeil, 56 Old Western Highway, dated November 12, 2021.

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

Public Comment:

Vanessa Lapin, 659 Western Highway, raised concerns regarding the removal of trees on the site.

The applicant requested a **CONTINUATION**.

May 12, 2021

1. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, Director, dated April 30, 2021.
2. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated April 16, 2021.
3. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated May 7, 2021.
4. Letter from Brooker Engineering signed by Kenneth DeGennaro, P.E., dated May 11, 2021.
5. Letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated April 19, 2021.
6. Site Plan for Ebenezer Full Gospel Assembly prepared by Jay Greenwell, PLS, dated November 12, 2020, unless noted:
Drawing 1: Site Plan revised March 19, 2021
Drawing 2: Grading, Drainage & Utility Plan revised January 27, 2021
Drawing 3: Erosion Control Plan, dated March 19, 2021
Drawing 4: Details revised March 22, 2021

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7. A Project Narrative from the Jay Greenwell, PLS, dated March 30, 2021.
8. A Hydraulic Analysis and Stormwater Design Calculations prepared by Paul Gdanski, PE, dated March 28, 2020, revised April 1, 2021.

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

Public Comment:

Vanessa Lapin, 659 Western Highway, thanked the Board for their comments at the first meeting that resulted in the revisions to the current plans.

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

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (al) 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 seconded by Michael Mandel and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Michael Mandel, aye; Robert Dell, aye; Stephen Sweeney, aye; Bruce Bond, abstain, Michael McCrory, aye; 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

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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: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Highway, Rockland County Drainage Agency, Rockland County Planning Department and Rockland County Sewer District No.1 and having reviewed proposed Site Plan, a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

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

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DECISION: In view of the foregoing and the testimony before the Board, the application was **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 applicant received Planning Board approval in 2000, PB#99-181, for an addition and site plan which was never constructed.
4. The following site work was performed without the required approvals;
 - a. Access drive and overflow parking area.
 - b. Retaining walls and terrace at rear entry do not match the previously approved site plan.
 - c. Shed located at the southern corner. This shed must be removed as it is located in a gas easement and conservation easement.
5. 169 parking spaces are required, with 107 provided and 38 proposed as land banked for a total proposed of 145. A variance is required from the Town of Orangetown Zoning Board of Appeals.
6. A proposed retaining wall is shown on Grading and Utility Plan, however it is not shown on the overall Site Plan. Applicant must coordinate.
7. Review and approval is required from the Town of Orangetown Architecture and Community Appearance Board of Review.
8. Item number 17(b) of Part 1 of the Short Environmental Assessment Form (SEAF) must be completed and the SEAF resubmitted.

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9. The original site plan for the church (which included the now proposed addition) was "Approved for Filing" on August 17, 2000. On that map, the (now existing) detention basin, is labeled as a "First Flush" detention basin. First Flush is typically understood to be a stormwater quality measure not a stormwater quantity measure. That means that it was designed to accommodate/ handle the first 1 to 1.5 inches, depending on the standard at that time of any rain storm, **NOT** the 100- year storm event. In addition, it does not contain the then,(as now) common features of a detention basin, (e.g. outlet structure, emergency spillway, access path, etc.) In order for the proposed project to achieve zero-net increase in runoff, the calculations and drawings must show how the 100-year storm for the new addition will be accommodated/ handled. An analysis of the existing basin must be performed in order to evaluate the capacity of the basin. This shall include but not be limited to, the flows rates and volumes for the 1, 25, and 100-year storms from all of the current contributing areas/ impervious surfaces under current/ pre-addition conditions as well as post construction flows including the addition and potential additional parking spaces if land banked spots are ever needed.

10. The total area of disturbance (a.o.d.) shall be added to drawings 1 and 2. The table calculating the a.o.d. on drawing #3 shall be added to the drainage calculations. The applicant's engineer is advised that if the total a.o.d. is over an acre, a full SWPPP shall be prepared to address water quality and quantity and submitted for review and approval.

11. The applicant's engineer shall consider "above ground" at grade stormwater system for the mitigation of the unapproved parking lot, if feasible.

12. "Future" drainage facilities shall be designed and shown on the drawings to capture the runoff from the land banked parking spaces in the event these spaces are ever required (see comment #9 above.)

13. The drainage calculations are currently under review by DEME. However, more detail shall be added to the calculations. For example, thorough/ detailed analysis of the capacity of the existing first flush basin (see comment #9 above), drainage basin maps, pre and post tabular and graphical hydrographs for both proposed subsurface systems, storage vs. vol. vs. elevation tables for each subsurface system, etc.

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- 14.** Because the Perc rate is assumed and to determine if a subsurface infiltration system and drywell system will work in their proposed locations, soil borings, perc tests and determination of groundwater elevations shall be performed at these 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. The tests shall be performed in the spring or fall when the ground water table is typically at its highest. **Contact DEME to witness performance of the perc test.**
- 15.** The Cultec inspections ports shall be shown on drawings 1 through 3 and the cross-section details.
- 16.** A "blow up" plan view of the specifically proposed Cultec system shall be added to the drawings. Also, an overflow shall be designed and shown for the Cultec system.
- 17.** Drawing #2 appears to show a proposed roof drain, from the northwest corner of the new building, tying into an existing basin. However, the piping for that connection is not part of any of the outlined areas of disturbance. The soil erosion and sediment control (SESC) drawing #3, shall be revised to include this proposed work.
- 18.** All new drainage features shall be clearly on the drawings and in the drawing legends.
- 19.** Details for the proposed drywells shall be added to the drawings.
- 20.** The profile views for the Cultec and drywell system shall include the storage volume and related elevation for the storm(s) analyzed in the drainage calculations.
- 21.** All proposed overflow parking area pavement that is to be removed and newly installed, shall be shown and labeled on the drawings.
- 22.** Profiles shall be added to the drawings for all proposed drainage facilities.
- 23.** The locations of the sewer mains within the Rockland County Sewer District No. 1 easement shall be shown on the drawings.

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24. Symbols for all proposed features shall be added to the drawing legends (e.g. curbing, pavement, piping, etc.) Also, a proposed SESC features shall be added to the legend on drawing #3.

25. A post construction stormwater maintenance agreement, in accordance with NYSDEC Phase II regulations, for the proposed subsurface stormwater system(s), existing basin – along with all required improvements, existing headwalls, existing and proposed catch basins and the existing and proposed piping network, etc., shall be submitted to DEMA and the Orangetown Town Attorney's Office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with a telephone number, yearly report to be submitted to DEMA, etc.

26. The existing and proposed, if applicable, sanitary building connection(s) shall be shown on the drawings.

27. An existing conditions plan shall be added to the drawings.

28. The source benchmark shall be labeled on drawing #1.

29. 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 Ebenezer Full Gospel Church Building Addition Site Plan Amendment be approved for drainage subject to the following Project Comments.

This is the second drainage review report for this project; the last review was dated November 11, 2021. The project received site plan approval on August 17, 2000; a copy of the approved site plan is included for this submission. The development consists of a church building with associated driveways, parking, and other infrastructure improvements. There are DEC wetlands along the northeastern portion of the parcel; the developed portion of the site, including the expansions for this application, do not affect the NYSDEC wetlands or the wetland adjacent area.

The original site plan approval included a 62' by 138' gymnasium on the west side of the building. This was not built at the time of the original construction. The detention pond that was part of the original site plan approval for mitigation of

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Continuation of condition #29...

stormwater runoff for the parking lots and building was constructed. A paved 15,730 SF overflow parking area was constructed north of the building; this was not part of the design for the original approval.

For this submission, the grass playing fields and infiltration trench has been removed from the plan. Drywells have been added to provide mitigation for the new building addition.

Project Comments

1. As per the November 11, 2020 review, the drainage report shall include drainage subarea maps indicating the drainage basins that will be directed to the stormwater management facilities.
2. As per the November 11, 2020 review, the construction of the existing stormwater management facility shall be verified as it is not consistent with the design plans. It appears the basin was designed as a first flush basin for initial stormwater runoff. The original design included an overflow pipe that discharged to grade from the structure labelled "DMH over drywell". The basin itself had no outlet to discharge. The survey of the as built construction shows two inlet pipes to the basin and an outlet pipe. The 15-inch inlet pipe and 12-inch outlet pipe are of similar diameters; it is not clear if any stormwater detention is being achieved or if this was the original design intent. The outlet of the basin may need to be reconfigured to achieve stormwater runoff mitigation for the building addition.
3. As per the November 11, 2020 review, provide all elevations on the Cultec section details. For ease of inspection during construction, provide a plan view of the entire system. Show inspection ports on the plan view. Show connections and inverts between the gallery rows.
4. As per the November 11, 2020 review, provide the maintenance schedule and requirements for all stormwater facilities.
5. Provide details for the drywell system. Include rim and invert elevations and show the overflow path.
6. Make the description on Line 6 of the drainage calculations consistent with the calculated percolation volume.
7. Show the area of the new roof addition that is to be directed to the drywells.

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30. The Town of Orangetown Bureau of Fire Prevention reviewed the submitted information and found that the site plans shall note the following:

- Show the width of the Apparatus Access Road
- Show the aerial Access Road width and dimensions from the building – IFC D105.

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

1. A review must be completed by the County of Rockland Department of Health, and any required permits obtained.
2. An updated review must be completed by the Rockland County Department Drainage Agency. In addition, the applicant must comply with the comments made by them in their letter of October 14, 2020.
3. A review must be completed by the New York State Department of Environmental Conservation for the wetlands, any comments addressed, and any required permits obtained. It must be clarified if the increase drainage flowing from the detention basin towards the wetlands will cause any issues.
4. The applicant must comply with the comments made by the Rockland County Sewer District No. 1 in its letter of November 10, 2020.
5. If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.
6. 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.
7. A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January, 2015) and local ordinances.
8. Prior to the start of construction or grading, all soil and erosion control plan measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Guidelines for Urban Erosion and Sediment Control.
9. There shall be no net increase in the peak rate of discharge from the site at all design points.
10. Fire lanes must be designated on the site plan and shown to be accessible.

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32. Rockland County Drainage Agency (RCDA) has reviewed the information submitted and available maps and determined that the site is within the jurisdiction of RCDA. Please have the applicant submit an application the RCDA.

33. Rockland County Sewer District #1 (District) has reviewed the submitted site plan, last revised on September 15, 2020 and offered the following comments:

1. Rockland County Sewer District No. 1 does not object to the plan as shown.
2. The District owns and maintains four (4) pressure sewer mains in an easement on the subject property. The drawings show proposed stormwater management structures and a proposed grass playfield with infiltration trenches next to easement.

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.

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

35. 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.

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

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

- a. No construction equipment shall be parked under the tree canopy.
 - b. There will be no excavation or stockpiling of earth underneath the trees.
 - c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
 - d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of $\frac{3}{4}$ inch of plywood or boards, or equal over the area to be protected.
- The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

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

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39. 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.

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

41. 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).

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

43. 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

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

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

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

**Dated: May 12, 2021
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown Planning Board
attachment**



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

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

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

NAME OF ACTION: Ebenezer Full Gospel Church Building Addition Site Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 136 Sunset, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.05, Block 1, Lot 16 in the R-80 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:

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

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

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**PB#21-02: Johnston Site Plan
Critical Environmental Area**

Permit # 50481

Final Site Plan Approval Subject to Conditions/ Neg. Dec.

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**TO: Susan Johnston, 155 Tweed Boulevard, Upper Grandview,
New York 10960**
FROM: Orangetown Planning Board

RE: Johnston Site Plan – Critical Environmental Area: The application of Jeffrey Johnston, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site known as “**Johnston 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 155 Tweed Boulevard, 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 16 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at virtual meetings held **Wednesday, January 13 and May 12, 2021**, the Board made the following determinations:

January 13, 2021

Jef and Susan Johnson and Cristianne Oriz 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 January 8, 2021.
2. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 12, 2021.
3. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated November 10, 2020.
4. Letters from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated December 3, 2020 and Michael Kezner, dated November 30, 2020.
5. Notice from the Rockland County Highway Department, signed by Dyan Rajasingham, P.E., Engineer III, dated November 20, 2020.
6. Letter from Rockland County Sewer District, signed by Joseph LaFiandra, Engineer II, dated January 5, 2021.
7. Notice from Suez, signed by bill Prehoda, dated February 11, 2021.
8. Short Environmental Assessment Form dated October 9, 2020, signed by Jeffrey Johnston.
9. Project narrative prepared by Jef and Susan Johnston.

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10. Building Permit Referral dated August 25, 2020 signed by Rick Oliver, Building Inspector.
11. Plans prepared by Cristianne Oriz, RA, dated October 5, 2020:
T-1.0: Title Sheet
A-1.0: New Deck Construction Plan & Details

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

The applicant requested a **CONTINUATION**.

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1. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, Director, dated April 30, 2021.
2. Architectural Plan prepared by Cristianne Oriz, RA, dated October 5, 2020, last revised March 2, 2021, A-1.0: New Deck Construction Plan & Details
3. Site Plan prepared by Anthony Celentano, PLS, dated January 22, 2021, last revised March 4, 2021.

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 Michael Mandel and seconded by Andrew Andrews 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 (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 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.

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

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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 Cristianne Oriz, and Anthony Celentano, 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, and having reviewed the proposed Site Plan, 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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- 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 McCrory and seconded by Andrew Andrews 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 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. Construction of the deck was observed on 8-24-2020 and the applicant was advised that the work being performed did not have the required approvals and permits.
4. Variances are required from the Town of Orangetown Zoning Board of Appeals as follows:
 - Front yard setback - 40' required with 1.2' proposed
 - Side yard setback – 25' required with 17.8' proposed
 - Total side yard setback – 60' required with 51' proposed.

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5. The Short Environmental Assessment Form appears to be in order.
6. The applicant is reminded that no work is permitted 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.
7. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - As per its letter of November 20, 2020, a Right-of-Way permit shall be obtained from the Rockland County Highway Department prior to the start of construction on the site.
 - The Village Piermont is one of the reasons this proposal was referred to Rockland County Department of Planning. As required under Section 239nn of the State General Municipal Law, the village must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Town of Orangetown.
8. The Rockland County Highway Department (RCHD) reviewed the information provided and offered the following information:
 - A right of way permit shall be obtained from RCHD prior to starting any construction activities in the site, if the request is approved by the Town.
9. 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.
10. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
 - Rockland County Sewer District No. 1
 - Rockland County Highway Department
 - Town of Orangetown Zoning Board of Appeals
 - Rockland County Department of Planning
11. 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.
12. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.

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

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

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

- One (1) foot radius from trunk per inch DBH
- Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of $\frac{3}{4}$ inch of plywood or boards, or equal over the area to be protected.

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

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

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

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

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

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

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

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

21. 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, nay; 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: May 12, 2021
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown Planning Board
attachment**

Cheryl Coopersmith

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

**PB#21-02: Johnston Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions/ Neg. Dec.**

Permit # 50481

**Town of Orangetown Planning Board Decision
May 12, 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: Johnston Site Plan Final 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 at 155 Tweed Boulevard, 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 16 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
Orangetown, NY 10962
Telephone Number: 845-359-5100

TOWN CLERK'S OFFICE

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,