

TOWN OF ORANGETOWN PLANNING BOARD
Virtual Meeting of Wednesday, July 28, 2021

MEMBERS PRESENT:

Thomas Warren, Chairman
Michael Mandel
Stephen Sweeney

William Young, Vice-Chairman
Andrew Andrews
Bruce Bond (alternate)

MEMBER ABSENT: Robert Dell and Michael McCrory

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:

Item from March 10, 2021:

11 Tweed Boulevard Site Plan
Critical Environmental Area
Prepreliminary/ Preliminary/
Final Site Plan and SEQRA Review
11 Tweed Boulevard, Upper Grandview
71.09/1/52; R-22 zoning district

PB#21-16

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

New Items:

Schneider Minor Subdivision
Request for a 90 Day Extension to
File the Subdivision Map with
Rockland County Clerk's Office
40 Van Wardt Place, Tappan
77.15/1/72; R-15 zoning district

PB#21-47

Granted 90 Day
Extension to File the
Subdivision Map with
Rockland County
Clerk's Office

248 South Boulevard Site Plan
Critical Environmental Area
Prepreliminary/ Preliminary/
Final Site Plan and SEQRA Review
248 South Boulevard, Nyack
66.17/1/1; R-22 zoning district

PB#21-41

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

Kennedy Site Plan
Critical Environmental Area
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#21-42

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

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TOWN CLERK'S OFFICE

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**Hawks View Lot #2 Site Plan
Critical Environmental Area**
Prepreliminary/ Preliminary/
Final Site Plan and SEQRA Review
1 Tweed Blvd., Upper Grandview
71.05/1/22.3; R-22 zoning district

PB#21-43

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

K & P Paving Site Plan - Consultation
568 Route 303, Blauvelt
70.14/4/19; LO zoning district

PB #21-44

Consultation

500 North Middletown Road Site Plan
Prepreliminary/ Preliminary/
Final Site Plan and SEQRA Review
500 North Middletown Road, Pearl River
64.17/3/1; CO zoning district

PB#21-45

**Continued: Revise
Plan**

Monzon Resubdivision Plan
Prepreliminary/ Preliminary/
Final Resubdivision Plan
and SEQRA Review
40-45 Grand Avenue, Tappan
77.10/2/36 & 44.1; R-15 zoning district

PB#21-46

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

Continued item from June 30, 2021:

Chefman Site Plan
Final Site Plan Review
29 Corporate Drive, Pearl River
73.19/1/8; LIO zoning district

PB #21-35

**Final Site Plan
Approval Subject
to Conditions**

**Continued item from February 26, 2020
for Traffic Impact Study:**

Safe N Sound Site Plan
Prepreliminary/Preliminary/
Final Site Plan and SEQRA
249 N. Middletown Road, Pearl River
68.12/3/27; CO zoning district

PB #20-13

**Continued: Revise
Plans**

The decisions of the July 14, 2021 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Stephen Sweeney and seconded by Bruce Bond and carried as follows: Thomas Warren – Chairman, aye; William Young - Vice-Chairman, aye; Michael Mandel, aye; Stephen Sweeney, aye; Robert Dell, absent; Michael McCrory, absent; 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 11:00 p.m. The next Planning Board meeting is scheduled for September 22, 2021.

DATED: July 28, 2021

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

Cheryl Coopersmith

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PB #21-16: 11 Tweed Boulevard Site Plan
Critical Environmental Area
Preliminary Site Plan Approval Subject
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TO: Nikos Lykoks, 342 Riverside Drive, Fort Lee, New Jersey 07024
FROM: Orangetown Planning Board

RE: **11 Tweed Boulevard Site Plan:** The application of Nikos Lykoks, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site known as "**11 Tweed Boulevard 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 in the Critical Environmental Area, 11 Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 52 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 28, 2021**. The item was postponed from a scheduled March 10, 2021 meeting. At the July 28th meeting, the Board made the following determinations:

Nikos Lykoks, Jorel Vaccaro, Robert Knoebel and Vassilios Cocoros appeared and testified.

The Board received the following communications:

1. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, Director, dated July 20, 2021 and March 8, 2021.
2. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 23 and March 9, 2021.
3. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated March 9, 2021.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated March 8, 2021.
5. Letters from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated February 22 and June 14, 2021.
6. Letter and notice from the Rockland County Health Department, signed by Elizabeth Mello, P.E., dated June 7, 2021.
7. Letters from the Rockland County Highway Department, signed by Dyan Rajasingham, P.E., dated February 8 and June 17, 2021.
8. Letter from Rockland County Sewer District, signed by Joseph LaFiandra, Engineer II, dated March 9, 2021.

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**PB #21-16: 11 Tweed Boulevard Site Plan
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**Town of Orangetown Planning Board Decision
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9. Emails from Orange & Rockland Utilities from Alfred Gaddi, PE., Principal Engineer, dated February 22 and May 26, 2021.
10. Notice from the Rockland County Division of Environmental Resources, from Allan Beers, dated February 17, 2021.
11. A Short Environmental Assessment Form, signed by Nikos Lykoks, dated October 28, 2020.
12. Site Plans prepared by Krypton Engineering, dated May 24, 2021, last revised May 24, 2021, unless noted:
 - C-001: Notes & Slop Analysis
 - C-100: Site Plan
 - C-200: Septic Details
 - C-210: Stormwater Details
 - C-300: Cultec Details
 - C-400: Sediment & Erosion Control Details
 - Landscaping and Lighting Plan, dated May 24, 2021
13. House Plans prepared by V.C.A. Group, dated February 17, 2020, last revised May 18, 2021:
 - A1: Elevations and Site Plan
 - A2: Elevations and Site Plan
 - A3: Elevations and site Plan
 - Sk1: Sections
14. Building Permit Referral dated August 11, 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 Michael Mandel and seconded by Stephen Sweeney and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Bruce Bond, aye; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, absent; Stephen Sweeney, aye, and Mike McCrory, absent

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 Stephen Sweeney and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Bruce Bond, aye; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, absent; Stephen Sweeney, aye, and Mike McCrory, absent
the Board declared itself Lead Agency.

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2021 AUG 05 09:15 AM

**PB #21-16: 11 Tweed Boulevard Site Plan
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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 Krypton Engineering and V.C.A. Group 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 Highway Department, 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.

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On motion by William Young- Vice Chairman and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Bruce Bond, aye; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, absent; Stephen Sweeney, aye, and Mike McCrory, absent 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. Per Chapter 43, the following variances are required from the Town of Orangetown Zoning Board of Appeals:
 - a) Table 3.12, District R-22, Group I;
Column 4; Maximum FAR permitted is .20 with .283 proposed.
Column 8; Front Yard Required is 40' with 30' proposed.
 - b) Undersized lot applies, per 5.21 (e.) Maximum Building Height permitted is 20' with 36.17' proposed.
 - c) Per 5.221, unroofed steps and terraces not exceeding 16 square feet in area nor projecting more than 4 feet from the exterior wall are permitted... the upper patio is proposed with 347 square feet within the required 20' side yard setback at an average of 6 feet above grade, and stairs down to lower patio.
4. Construction details prepared by a licensed engineer must be provided for the proposed retaining walls and patios.

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5. Proposed landscaping, screening, and exterior lighting shall be shown on the plan (Chapter 21A-13h).
6. The application shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
7. Bulk table shall be revised to indicate that the Total Required Side Yard is 40'.
8. The following items on the Short Environmental Assessment Form shall be revised and resubmitted;

Part 1, #2 – add Zoning Board, ACABOR and building permit.
#9 – should check "Y"
#13(a) – should check "N"
#14 – check Forest and Suburban
#15 – no Atlantic Sturgeon

9. The proposed subsurface stormwater detention systems(s) shall have a piped overflow with an energy dissipater at the exhaust.
10. The size, slope, length and material for all proposed drainage piping shall be added to the plan view, drawing C-100.
11. There appears to be a lack of proposed regrading in the back yard of the property, especially in and around the proposed retaining wall. This shall be corrected.

12. 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. The Drainage Consultant, Brooker Engineering therefore recommends that the 11 Tweed Boulevard Site Plan be approved for drainage subject to the following Project Comments.

Project Description

This is the second drainage review report for this project. The property is located on the east side of Route 9W; land slopes downhill to the east towards Route 9W. The property is undeveloped and wooded. The project consists of a new four-story single-family residence with parking and a swimming pool. Stormwater management facilities are proposed in the form of a culvert underground infiltration system in the driveway and a drywell in the rear yard. Steep slopes are present on the majority of the property. The slopes are significantly steep along the rear limit of disturbance, with a slope of 1.5 horizontal to 1 vertical.

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Continuation of Condition #12...

Project Comments

1. As per the March 9, 2021 drainage review report, provide the source of the topographic survey.
2. As per the March 9, 2021 drainage review report, show rock outcroppings on the survey. Test pits shall be performed to demonstrate separation of the drainage systems to bedrock.
3. As per the March 9, 2021 drainage review report, provide drainage calculations to support the size of the drywell and cultec system.
4. As per the March 9, 2021 drainage review report, provide a grate at grade for the drywell top.
5. As per the March 9, 2021 drainage review report, show the overflow path from the drywell and cultic system.
6. As per the March 9, 2021 drainage review report, coordinate the number of cultic units on the site plan; the label shows 16 units and the plan shows 12 units.
7. As per the March 9, 2021 drainage review report, provide a detail of the cultic system in plan view that shows all connections between the units, the dimensions of the stone surround, and all inlet and outlet pipes.
8. As per the March 9, 2021 drainage review report, show proposed grading at the northwest corner of the house between the house and driveway.
9. Provide proposed grades that show stormwater runoff from the lower patio will be directed to the drywell
10. Clarify if the curb is proposed around the driveway.

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

- An updated review of the May 24, 2021 site plan must be completed by the Rockland County Department of Highways. In addition, the applicant must comply with the comments made by them in their letter of February 8, 2021.
- A review must be done by the Rockland County Department of Health, any comment or concerns addressed, and any required permits obtained.
- A review must be completed by the County of Rockland Division of Environmental Resources and any concerns addressed.
- 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.

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Continuation of Condition #13...

- The Bulk Table on the Site Plan provided by the V.C. A. Group indicates a variance for lot area is not required. However, only half the land on the site that has slopes greater than 25% may be counted in the lot area. The "Counted Lot Area" includes the required reductions. As this net lot area is less than the required 22,500 SF, a variance will be required from this standard.
- The proposed driveway area in front of the garage is very tight, with insufficient room for a vehicle to turn around. Vehicles must use the driveway area in front of the building as a turnaround area to ensure vehicles do not back out onto the County highway.
- 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.
- Grading and utility plans must be provided so that all aspects of the proposed development can be evaluated.
- Rockland County Department of Planning requests the opportunity to review any variances that may be needed to implement the proposed subdivision, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).
- Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.

14. The Rockland County Department of Health (RCDOH) reviewed the plans and offered the following comments:

1. The proposed septic system requires approval from RCDOH. Engineered plans will need to be submitted for review and approval prior to a building permit being issued.
2. This property will require a private well for water service. Approval is required from RCDOH. Note that all wells must meet the minimum separation distances set by the New York State Department of Health in Subpart 5-1 Standards for Water Wells.
3. Application is to be made to the RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.

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15. The Rockland County Highway Department of reviewed the submitted information and offered the following comment:

- The applicant shall made sure that the proposed driveway locations have sufficient sight distance for traffic movements.
- The proposed drainage system for the property is not clear. It is recommended that the applicant provide a separate sheet for the proposed stormwater drainage system on the site.
- A right of way permit shall be obtained from the Rockland County Highway Department prior to starting any construction activities in the site, if the request is approved by the Town.

16. The Town of Orangetown Bureau of Fire Prevention reviewed the plans and offered the following comment:

- An automatic sprinkler system shall be placed throughout the building, per 2020IRC R313.2

17. The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.

18. Orange and Rockland Utilities reviewed the plans and offered the following comment: The developer shall contact O&R's new business department for service terminations and relocations prior to the work. All code 753 rules must be followed.

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

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

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

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

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22. 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:

- 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.

- One (1) foot radius from trunk per inch DBH

23. 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.

24. 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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Critical Environmental Area
Preliminary Site Plan Approval Subject
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25. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.

26. 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).

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

28. 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

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

30. 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.

**TOWN OF ORANGETOWN
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RECEIVED**

PB #21-16: 11 Tweed Boulevard Site Plan
Critical Environmental Area
Preliminary Site Plan Approval Subject
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The foregoing Resolution was made and moved by Stephen Sweeney and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; William Young - Vice Chairman, aye; Bruce Bond, aye; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, absent; Stephen Sweeney, aye, and Mike McCrory, absent.

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

Dated: July 28, 2021
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown Planning Board

Cheryl Coopersmith

attachment

TOWN OF ORANGETOWN
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TOWN CLERK'S OFFICE

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

PB #21-16: 11 Tweed Boulevard Site Plan
Critical Environmental Area
Preliminary Site Plan Approval Subject
to Conditions/ Neg. Dec.

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Town of Orangetown Planning Board Decision
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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: 11 Tweed Boulevard Site Plan – 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 Critical Environmental Area, 11 Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 52 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, Involved Agencies

**PB #21-47: Schneider Subdivision Plan
Granted One 90 Day Extension to File the Subdivision with the Rockland
County Clerk's Office**

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**TO: William Brodsky, .
FROM: Town of Orangetown Planning Board**

RE: Schneider Subdivision Plan: The application of William Brodsky, applicant for One 90 Day Extensions to file the Subdivision Plat with the Rockland County Clerk's Office at a site to be known "**Schneider Subdivision Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 40 Van Wardt Place, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.15, Block 1, Lot 72; in the R-15 zoning district.

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

The Board received the following communications:

1. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated July 20, 2021.
2. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 23, 2021.
3. An interdepartmental memorandum from the Office of Recreation & Parks, Town of Orangetown, signed by Aric Gorton, Superintendent of Parks, Recreation and Building Maintenance, dated July 21, 2021.
4. A copy of PB#19-53, Final Subdivision Approval Subject to Conditions, dated September 25, 2019.

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

TOWN OF ORANGETOWN

2021 AUG 16 PM 4:57

TOWN OF ORANGETOWN

**PB #21-47: Schneider Subdivision Plan
Granted One 90 Day Extension to File the Subdivision with the Rockland
County Clerk's Office**

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

DECISION: In view of the foregoing, the Board **GRANTED One 90 Day Extensions to File the Subdivision Plan with the Rockland County Clerk's Office.**

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

The Clerk of 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 this Office of the Planning Board.

Dated: July 28, 2021
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown Planning Board

Cheryl Coopersmith

TOWN OF ORANGETOWN
2021 AUG 16 P 1:57
TOWN CLERK'S OFFICE

**PB #21-41: 248 South Boulevard Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit #51224

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

**TO: David Nitkin , 248 South Boulevard, Upper Grandview,
New York**
FROM: Orangetown Planning Board

RE: 248 South Boulevard Site Plan: The application of David Nitkin, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site located in the Critical Environmental Area. The Site is known as **"248 South Boulevard 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 248 South Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 66.17, Block 1, Lot 1; in the R-22 zoning district.

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

David Nitkin appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated July 21, 2021.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, RA, Director, dated July 20, 2021.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated July 23, 2021.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated July 8, 2021.
5. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated July 12, 2021.
6. Letter from Rockland County Sewer District No.1, signed by Joseph LaFiandra, Engineer II, dated June 30, 2021.
7. Letter from the Village of South Nyack from Sokuna Mam, dated July 21, 2021.
8. Email from Orange & Rockland Utilities from Alfred Gaddi, PE, dated June 22, 2021.
9. Notice from the Rockland County Department of Health signed by Elizabeth Mello, dated July 7, 2021.
10. Notices from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chair, dated June 7, 2021
11. Notices from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated June 30, 2021.

TO: DAVID NITKIN

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TOWN OF ORANGETOWN

**PB #21-41: 248 South Boulevard Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit #51224

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

12. Site Plan prepared by Luis Saiz, Jr., RA, dated April 22, 2021.

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

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

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 Stephen Sweeney and seconded by Bruce Bond and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Bruce Bond, aye; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, absent; Stephen Sweeney, aye, and Mike McCrory, absent 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 Luis Saiz, Jr., RA 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, 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:

TOWN OF ORANGETOWN
JUL 29 10 51 AM '21
PLANNING BOARD

**PB #21-41: 248 South Boulevard Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit #51224

**Town of Orangetown Planning Board Decision
July 28, 2021
Page 3 of 7**

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

On motion by Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Bruce Bond, aye; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, absent; Stephen Sweeney, aye, and Mike McCrory, absent 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."

TOWN OF ORANGETOWN
2021 AUG 16 P 1:57
TOWN CLERK'S OFFICE

**PB #21-41: 248 South Boulevard Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit #51224

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

2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.

4. Application is for the relocation of an elevated walkway with minimal land disturbance.

- 1) The 16'x17' wood shed located 2.1' from the property line at the North East corner of the dwelling is not compliant and shall be removed or the applicant must apply to the Town of Orangetown Zoning Board of Appeals for review and approval. **The shed must be removed prior to signing the Site Plan.**
- 2) Additional dimensions must be supplied on the Framing Plan and submitted to the building inspector.
- 3) The following items on the Short Environmental Assessment Form shall be revised and resubmitted;

Part 1, #1 – check “N”

#2 – check “Y” – add building permit.

#5 (b) – check “Y”

#7 – identify – Orangetown Critical Environmental Area

#8 (c) – check “Y”

TOWN OF ORANGETOWN
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TOWN CLERK'S OFFICE

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

5. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Site Plan is stamped by the Chief Clerk to the Board and the construction plans are reviewed and approved by the Inspector.

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

- Since the proposed project will have no adverse impacts on any County-wide interests, this matter is remanded for local determination.

7. 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.

8. The Village of South Nyack has no objection to the proposal for 248 South Boulevard.

9. 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 Department of Highways

10. Preparation of Site Plans and Board Decisions 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-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.

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:

TOWN OF ORANGETOWN
2021 AUG 16 P 1:57
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
July 28, 2021
Page 6 of 7**

Continuation of Condition #13...

- 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.

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.

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 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

TOWN OF ORANGETOWN

**PB #21-41: 248 South Boulevard Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit #51224

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

Continuation of Condition #17...

such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's (applicants' engineer's) recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's (applicants 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).

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.

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

Dated: July 28, 2021

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

TOWN CLERK'S OFFICE
2021 AUG 16 P 1:57
TOWN OF ORANGETOWN

**State Environmental Quality Review Regulations
NEGATIVE DECLARATION**

**Notice of Determination of Non-Significance
PB #21-41: 248 South Boulevard Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision
July 28, 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: 248 South Boulevard Site Plan - 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 248 South Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 66.17, Block 1, Lot 1; 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 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 AUG 16 P 1:58
TOWN OF ORANGETOWN

**PB#21-42: Kennedy Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit # 50759

**Town of Orangetown Planning Board Decision
July 28, 2021
Page 1 of 9**

**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 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. 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 meeting held **Wednesday, July 28, 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 July 26, 2021.
2. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 27 & 23, 2021.
3. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated July 27, 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. Letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated July 12, 2021.
6. Letter from the Rockland County Department of Health, signed by Elizabeth Mello, PE., dated July 13, 2021.
7. A notice from the Rockland County Highway Department, signed by Ryan Rajasingham, P.E., dated July 7, 2021.
8. A letter from Paul Gdanski, PE dated July 26, 2021.
9. Project Summary prepared by Meg Fowler, Architect, dated April 30, 2021.

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TOWN OF ORANGETOWN
2021 JUL 29 PM 4:58
TOWN OF ORANGETOWN

**PB#21-42: Kennedy Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit # 50759

**Town of Orangetown Planning Board Decision
July 28, 2021
Page 2 of 9**

10. Site Plan prepared by Paul Gdanski, PE dated March 4, 2020, last revised February 25, 2021.

11. Architectural Plan prepared by Margaret Fowler, RA, dated March 25, 2020, last revised March 1, 2021:

- A-0.0: LL Demolition Plans & General Notes
- A-0.1: Lower Level Construction Plan
- A-0.2: Lower Level Power & Lighting
- A-1.1: Main Level Construction Plan
- A-1.2: Main Level Power & Lighting
- A-2.1: Upper Level Construction Plan
- A-2.2: Upper Level Power & Lighting
- A-3.1: Roof Construction Plan
- A-4.1: Exterior West & North Elevations
- A-4.2: Exterior South & East Elevations
- A-5.1: Building Section Looking East
- A-5.2: Building Section Looking North
- A-6.1: Interior Elevations – Kitchen & Mudroom
- A-7.1: Wall Sections

12. Building Permit Referral dated October 30, 2020 signed by Rick Oliver, Building Inspector.

13. Copies of the following Board Decisions: ACABOR #21-18, Approved as Presented, dated June 3, 2021; ZBA#21-34, Front Yard, Side Yard, and Building Height Variances Approved; Undersized Lot Acknowledged, dated April 21, 2021 and PB#21-15, Preliminary Site Plan Approval Subject to Conditions, dated February 24, 2021, Neg. Dec.

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

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 Stephen Sweeney and seconded by Michael Mandel and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Bruce Bond, aye; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, absent; Stephen Sweeney, aye, and Mike McCrory, absent the Board declared itself Lead Agency.

2021 JUL 28 PM 4:50
TOWN OF ORANGETOWN
PLANNING BOARD

**PB#21-42: Kennedy Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit # 50759

**Town of Orangetown Planning Board Decision
July 28, 2021
Page 3 of 9**

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 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;

RECEIVED
JUL 29 2021
TOWN OF ORANGETOWN

**PB#21-42: Kennedy Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit # 50759

**Town of Orangetown Planning Board Decision
July 28, 2021
Page 4 of 9**

- 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 Bruce Bond and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Bruce Bond, aye; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, absent; Stephen Sweeney, aye, and Mike McCrory, absent, 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. The applicant shall comply with all applicable and pertinent previous Board Decisions: ACABOR #21-18, Approved as Presented, dated June 3, 2021; ZBA#21-34, Front Yard, Side Yard, and Building Height Variances Approved; Undersized Lot Acknowledged, dated April 21, 2021 and PB#21-15, Preliminary Site Plan Approval Subject to Conditions, dated February 24, 2021, Neg. Dec.
4. The Bulk Table shall be revised to show variances granted by the Town of Orangetown Zoning Board of Appeals.
5. A revised Short Environmental Assessment Form (SEAF) has not been received. Per the 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, 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.

TOWN OF ORANGETOWN

**PB#21-42: Kennedy Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit # 50759

**Town of Orangetown Planning Board Decision
July 28, 2021
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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.

7. Based on the applicant's engineer's letter dated July 26, 2021, the proposed application will reduce the overall impervious area by 82 square feet, thereby eliminating the need for any drainage improvements. However, to help clear up any confusion on the drawing, DEME suggests the following:

- a. An "existing conditions" plan clearing showing all existing impervious surfaces with dimensioning, so that the existing impervious area can easily and clearly be calculated.
- b. Clearly identify all proposed impervious areas on the proposed site plan and include dimensions.
- c. Add a table listing all existing and proposed impervious surfaces with their corresponding square footage, be added to the proposed site plan.

8. The applicant still needs to comply with PB Decision #21-15, condition #9 (all existing sanitary cleanouts, with top elevations, shall be shown along the sanitary house connection.)

9. 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 second drainage review report for this project, the last review was dated February 8, 2021. 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 regrading of the driveway will be required. For this submission, the area of impervious surfaces is being reduced and the existing drainage pattern is being maintained. The drywells and trench drain in the driveway have been removed from the plan.

2021.07.28 10:11:01

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**PB#21-42: Kennedy Site Plan
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Permit # 50759

**Town of Orangetown Planning Board Decision
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Continuation of Condition #9...

Project Comments

1. As per the February 8, 2021 drainage review report, show proposed grading in front of the new garage that directs stormwater runoff around the addition and existing structure. A trench drain may be needed in front of the new garage.
2. As per the February 8, 2021 drainage review report, show the footing drain for the new addition.
3. As per the February 8, 2021 drainage review report, include an existing conditions part plan in vicinity of the addition that shows all existing retaining walls and grading prior to any improvements.
4. Provide mapping for existing and proposed conditions that clearly shows the impervious cover, and the area of impervious cover that is being removed.
5. Show grading west of the building addition that shows stormwater runoff being directed around the structure.

10. 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 Bulk Table provided on the Site Plan must be updated to state variance for front yard, side yard, and height were granted on April 21, 2021 with a resolution number of ZBA#21-34.

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TOWN OF ORANGETOWN

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11. The Rockland County Department of Health reviewed the submitted information and provided the following comment: Should the Board require a stormwater management system to remediate the increase in impervious surface, application is to be made to the RCDOH for review of the system for compliance with the County Mosquito Code.

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

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

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

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

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

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

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

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TOWN OF ORANGETOWN

**PB#21-42: Kennedy Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit # 50759

**Town of Orangetown Planning Board Decision
July 28, 2021
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15. 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.

16. 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.

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

18. 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).

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

20. 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

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

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TOWN OF ORANGETOWN

**PB#21-42: Kennedy Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit # 50759

**Town of Orangetown Planning Board Decision
July 28, 2021
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22. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-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 Michael Mandel and seconded by Stephen Sweeney and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Bruce Bond, aye; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, absent; Stephen Sweeney, aye, and Mike McCrory, absent.

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

**Dated: July 28, 2021
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown Planning Board**

Cheryl Coopersmith

TOWN OF ORANGETOWN
2021 AUG 16 P 1:58
TOWN CLERK'S OFFICE

**PB #21-43: Hawks View Site Plan – Lot #2
Critical Environmental Area
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #51650

**Town of Orangetown Planning Board Decision
July 28, 2021
Page 1 of 9**

**TO: Sean Keenan, 24 Waters Edge, Congers, New York 10920
FROM: Orangetown Planning Board**

RE: Hawks View Subdivision – Lot #2 Site Plan – Critical Environmental Area: The application of Sean Keenan, applicant, for SMK Homes Builders, owner, for Preliminary/ Preliminary/ Final Site Plan at a site to be known as **“Hawks View Subdivision – Lot #2 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 1 Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section; 71.05, Block 1, Lot 22.3 in the R-22 zoning district.

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

Sean Keenan appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated July 21, 2021.
2. 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 July 26, 2021.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated July 23, 2021.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated July 15, 2021.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated July 27, 2021.
6. Letters from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated July 14, 2021 and Michael Kezner, dated July 7, 2021.
7. Letters from the Rockland County Department of Health, signed by Elizabeth Mello, PE dated July 13, 2021.
8. Letter from Rockland County Highway Department, signed by Dyan Rajasingham, dated July 7, 2021.
9. Letter from the Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated July 19, 2021.

FORWARDED TO
JUL 29 10 16 AM '21
TOWN OF ORANGETOWN

**PB #21-43: Hawks View Site Plan – Lot #2
Critical Environmental Area
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #51650

**Town of Orangetown Planning Board Decision
July 28, 2021
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10. Letter from the Palisades Interstate Park Commission, signed by Joshua Laird, dated January 4, 2021 and notice from Matthew Shook, dated July 9, 2021.
11. Email from Orange and Rockland from Alfred Gaddi, PE, dated June 28, 2021.
12. Notices from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chair, dated July 7, 2021.
13. A Narrative Summary, prepared by SMK Homes, dated June 24, 2021.
14. A Short Environmental Assessment Form signed by Sean Keenan, dated June 22, 2021.
15. Drainage Calculations prepared by Paul Gdanski, PE, dated June 18, 2021.
16. Site Plan prepared by Jay Greenwell, PLS and Paul Gdanski, PE, dated June 17, 2021, last revised June 23, 2021.
17. Landscaping Plan prepared by Steve Griggs Design, dated July 13, 2021, attachment of color photographs of proposed plantings.
18. A copy of the Building Permit Referral dated June 24, 2021, prepared by Rick Oliver, Building Inspector.

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

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

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

APPROVED: JUL 30 2021

**PB #21-43: Hawks View Site Plan – Lot #2
Critical Environmental Area
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #51650

**Town of Orangetown Planning Board Decision
July 28, 2021
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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 Health, Rockland County Department of Planning, and Rockland County Sewer District #1, Palisades Interstate Park Commission and having reviewed the drawings presented by the applicant's professional consultant; Paul Gdanski, PE, 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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TOWN OF ORANGETOWN

**PB #21-43: Hawks View Site Plan – Lot #2
Critical Environmental Area
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #51650

**Town of Orangetown Planning Board Decision
July 28, 2021
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On motion by Michael Mandel and second by Bruce Bond and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye; Bruce Bond, aye; Robert Dell, absent; Stephen Sweeney, aye, and Michael McCrory, absent, 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. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.
4. The applicant is proposing a 7,031 square foot new single-family home.
5. The driveway dimensions and parking area dimensions shall be shown on the Site Plan.
6. The average proposed building height calculations must be provided.
7. The application shall be reviewed by 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 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.

**Town of Orangetown Planning Board Decision
July 28, 2021
Page 5 of 9**

10. The drainage calculations are currently under review by DEME.
11. The soil boring/ test pit locations shall be shown on the plan.
12. The proposed site fencing along the eastern property line shall be reinforced with hay bales. This shall be shown on the plan.
13. The legend shall be updated to include all proposed SESC features.
14. The applicant is reminded that the sanitary septic system for the lot must be reviewed and approved by the Rockland County Health Department. Copies of this approval shall be supplied to the Planning Board and DEME prior to signing the final map.
15. The Town of Orangetown Bureau of Fire Prevention offered the following comment: Show the distance from the building to the nearest Hydrant on the Site Plan.
16. **Drainage Review Recommendation – Brooker Engineering**
The proposed action has provided sufficient information to demonstrate that demonstrate potential significant adverse impacts with respect to drainage can be mitigated. Brooker Engineering, the Planning Board's Drainage Consultant, therefore recommends that the Hawks View Site Plan for Lot #2 be approved for drainage subject to the following comments.

Project Description

This is the first drainage review report for this project; Brooker Engineering previously approved the Hawks View Subdivision for drainage in a February 1, 2017 letter. The property is located at the northeast corner of the intersection of South Boulevard and Tweed Boulevard. There is a north/south ridge along the east property line; portions of stormwater runoff flow east to the steep slope hillside and the remainder of the stormwater runoff flows west towards South Boulevard.

One drywell was provided in the original subdivision approval based on 3,990 square feet of impervious area. The current site plan shows 8,990 square feet of impervious area, which is largely due to an increased building footprint and a new pool and patio. The number of drywells required for stormwater mitigation has increased to an additional two drywells for the additional 5,000 of impervious area. A percolation rate of 16 inches per hour was observed by Fairway Testing on October 28, 2020. The locations of the drywells approximate the existing conditions drainage pattern with no substantial change in discharge locations.

TOWN OF ORANGETOWN

PLANNING BOARD

July 28, 2021

**Town of Orangetown Planning Board Decision
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Continuation of Condition #16...

Project Comments

1. The drainage calculations are provided for the increase in stormwater mitigation from the approved subdivision. The drywell mitigation that is provided on the plot plan shall be in addition to the original mitigation from the approved subdivision plan; the original drywell system shall be added to the plan.
2. Grading shall be provided that shows positive drainage away from the house and around the pool.
3. Drainage structures or grading shall be provided that demonstrates stormwater runoff from the new pool and patio will be directed to the drywell system.
4. The drainage report shall reference the drainage area and driveway directed to the depression in the front yard. It appears more surface runoff from a longer driveway is directed to this area.
5. The drainage calculations use the field verified percolation rate of an eight-inch drop in 30 minutes. This shall be verified post-construction. A map note shall be added, "Soil percolation rates shall be field verified as to the satisfaction of the Town of Orangetown prior to a certificate of occupancy is issued. Percolation rates slower than 8 inches in 30 minutes will require additional mitigation."
6. The footing drain discharges to the level spreader on the rear property line, which will require a pump system to outlet at this location.
7. Show the test pit locations on the Site Plan.
8. Show the maintenance requirements of the drywell on the Drywell Gallery and Stone Surround Detail.

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

- A review must be completed by the County of Rockland Department of Highways, any comments or concerns addressed, and all required permits obtained.
- A review must be completed by the Palisades Interstate Park Commission and any raised concerns addressed.
- A review must be completed by the County of Rockland Division of Environmental Resources and any concerns addressed.
- A review of the on-site septic system and well must be completed by the county of Rockland Department of Health, any comment or concerns addressed, and all required permits obtained.
- 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.
- Prior to the start of construction or grading, all soil and erosion control 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.

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**Town of Orangetown Planning Board Decision
July 28, 2021
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18. 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.

19. The Rockland County Department of Health (RCDOH) has reviewed the submitted information and offered the following:

1. RCDOH has previously approved the proposed septic system for this property as part of the Hawks View Subdivision Approval. Should the proposed location be revised, application is to be made to RCDOH for review.
2. A permit for the proposed well will need to be obtained from RCDOH.

20. The Rockland County Highway Department reviewed the submitted information and offered the following: A right of way permit shall be obtained prior to starting any construction activities in the site if the proposed action is approved by the Town.

21. The Palisades Interstate Park Commission reviewed the submitted information and offered the following: The Commission is concerned that this addition will visually encroach upon the nearby Blauvelt State Park. The plans for this site shall include setbacks and/ or visual screening to help ensure that construction will not affect the visual character of the park.

22. Orange & Rockland Utilities reviewed the submitted information and offered the following: O&R does not have an existing service feeding 1 Tweed Boulevard. O&R's new business department must be contacted for all new services. All code 753 rules must be followed.

23. 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 Health
- Palisades Interstate Park Commission
- Rockland County Sewer District #1
- Town of Orangetown Zoning Board of Appeals
- Rockland County Department of Planning

24. 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.

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

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.

APPROVED: JUL 29 2021

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

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

28. 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.

29. 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.

APPROVED TO BUILD
JUL 29 2021
TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision
July 28, 2021
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30. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.

31. 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).

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

33. 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

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

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

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

Dated: July 28, 2021
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown
Attachment

Cheryl Coopersmith

TOWN CLERK'S OFFICE
2021 AUG 16 P 1:59
TOWN OF ORANGETOWN

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

**PB #21-43: Hawks View Site Plan – Lot #2
Critical Environmental Area
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #51650

**Town of Orangetown Planning Board Decision
July 28, 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: Hawks View Site Plan – Lot #2- Critical Environmental Area
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

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

DESCRIPTION OF ACTION: Site Plan Review in the Critical Environmental Area

LOCATION: The site is located at 1 Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lot 22.3 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 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

COPIES TO BE MAILED

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

RE: K & P Paving Site Plan - Consultation: The application of K & P Paving, owner, for a Consultation Review at a site to be known as “**K & P Paving 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 568 Route 303, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.14, Block 4, Lot 19 in the LO zoning district.

Ryan Nasher, Klover Yadaicela and Frank Phillips appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated July 21, 2021.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, Director, dated July 26, 2021.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 22, 2021.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated July 15, 2021.
5. Letters from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated June 21, 2021.
6. Letter from Rockland County Sewer District, signed by Joseph LaFiandra, Engineer II, dated June 29, 2021.
7. Email from Orange and Rockland Utilities from Alfred Gaddi, PE, dated May 29, 2021.
8. Notice from the Rockland County Highway Department, signed by Dyan Rajasingham, P.E., dated June 17, 2021.
9. Letters from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated June 2, 2021.
10. Project Narrative prepared by Atzl, Nasher & Zigler, dated May 14, 2021.
11. Site Plans prepared by Atzl, Nasher & Zigler, dated May 10, 2021.
12. Submitted at the meeting, draft site plan with revisions as discussed at the Project Review Committee Meeting of July 21, 2021.

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**PB#21- 44: K & P Paving
Consultation**

**Town of Orangetown Planning Board Decision
July 28, 2021
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The Board reviewed the plans. The hearing was then opened to the Public.

CONSULTATION: In view of the foregoing and the testimony before the Board, the applicant was provided with the following comments:

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 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.
4. The applicant is proposing a 3,625 square foot garage structure to enclose trucks and equipment on an existing commercial undersized lot.
5. The applicant should consider rotating the proposed structure 90 degrees for ease of access and reduce the proposed variances and impervious coverage.
6. The accessible parking stall should be moved to the south east corner of the existing building to eliminate the need to cross the driveway.
7. Applicant should look at ways to reduce the impervious coverage and increase grass and planting areas.
8. The application shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
9. The applicant shall refer to Chapter 21A-13, Site Development Plan Approval for items to be submitted upon a formal application.

TOWN OF ORANGETOWN
JUL 28 2021 2:00 PM
TOWN OF ORANGETOWN

**PB#21- 44: K & P Paving
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10. DEME strongly recommends that the application rotate the proposed building 90 degrees clockwise (e.g. having the loading doors facing north.) This would provide a number of benefits:

- a. Eliminate the volume (square footage) of proposed pavement/ macadam apron needed for vehicles/ trucks to maneuver around the site and back or pull into the building garage doors, currently shown along the western side of the proposed building.
- b. Reduce the volume (square footage) of existing pavement needed for vehicles/ trucks to maneuver around the site and back or pull into the building.
- c. The building would be able to moved north and increase the offset from the southern property line.

11. All of the existing gravel/ stone dust areas – west of the proposed building to the western property line and completely around easement for the tower, shall be removed. These areas shall be top soiled and seeded. Doing so will provide the following benefits:

- a. It will greatly reduce the volume (square footage) of existing impervious area and most likely make the proposed impervious area quite a bit lower than the existing thereby reducing or even possibly eliminating the need for the applicant/ applicant's engineer to design any post construction stormwater quantity improvements.
- b. It will eliminate the possibility of the easement holder parking or utilizing the area outside of the easement area for parking or equipment storage.
- c. It will eliminate or reduce the possibility of the applicant/ applicant's tenants form utilizing these areas for parking or equipment storage.

12. The Town of Orangetown Bureau of Fire Prevention offered the following comments:

Construction Plans shall include the following information:

- A fire alarm system installed in accordance with NFPA 72 Standards.
- Installation of a Key Lock Box.
- A two (2) hour fire resistant rated exterior wall for a S-1 building less than 5' from the lot line.

13. Orange & Rockland Utilities reviewed the submitted information and offered the following: O&R has an existing service feeding the existing house from Route 303 (house fed on north side.) The proposed driveway may be in conflict with the existing service. All code 753 rules must be followed.

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PB#21- 44: K & P Paving Consultation

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

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

- A review must be completed by the 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, any concerns addressed and all required permits obtained.
- The side yard for the proposed garage is only four feet from the parcel to the south, or 92% deficient meeting the 50-foot side yard requirement for the LO zoning district. The Board and the applicant shall determine if a different layout/ orientation of the building is feasible that will help to reduce or eliminate the extent of the variance. It may be possible to re-orient the building so that the longer side faces north. A reduction the size of the proposed garage may be necessary.
- 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 site plan indicates a block retaining wall exists at the southeastern corner of the proposed garage, with a portion of the wall encroaching into the proposed building. A railroad tie retaining wall to be converted to a block wall encroaches into the southwestern portion of the garage. The site plan does not indicate these are to be removed. This must be clarified.
- The site plan shows a fuel tank located at the northwest corner of the existing garage. It must be stated if this will be removed or relocated, and where it will be moved. The number of gallons the tank holds must also be provided to determine if a review by other agencies is necessary.
- A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

TOWN OF GLOUCESTER
JUL 19 10 2:00
TOWN CLERK'S OFFICE

**PB#21- 44: K & P Paving
Consultation**

**Town of Orangetown Planning Board Decision
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Continuation of Condition #14...

- The Town shall be satisfied that all of the applicable provisions of the Route 303 Overlay Zone have been addressed. A Landscaping Plan shall be provided that shows the 25-foot buffer along Route 303 complies with Section 43-13.10B(2).
- Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. In addition, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by employees.
- The Rockland County Department of Planning thanks the Town for giving the Department the opportunity to review and comment on the conceptual plan for the proposed garage and second floor office during this consultation and request the opportunity to review the site plan when it appears before the Planning Board and any variances that are needed to implement the proposed site plan, as required by NYS General Municipal Law, Section 239—m(3)(a)(v).

15. The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.

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:

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TOWN OF ORANGE

**PB#21- 44: K & P Paving
Consultation**

**Town of Orangetown Planning Board Decision
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Continuation of condition #18...

- 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.

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

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July 28, 2021
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Continuation of Condition #22...

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).

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 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.

Dated: July 28, 2021
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown Planning Board

TOWN CLERK'S OFFICE
2021 AUG 16 P 2:00
TOWN OF ORANGETOWN

**PB #21-46: Monzon Resubdivision Plan
Final Resubdivision Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
July 28, 2021
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**TO: Donald Brenner, 4 Independence Avenue, Tappan, New York
FROM: Orangetown Planning Board**

RE: Monzon Resubdivision Plan: The application of Abel Monzon, 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 "**Monzon 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 40-45 Grand Avenue, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.10, Block 2, Lots 36 & 44.1 in the R-15 zoning district.

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

Donald Brenner 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 July 27, 2021.
2. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., July 23, 2021.
3. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated July 8, 2021.
4. Letters from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated July 12, 2021 and Michael Kezner, dated June 29, 2021.
5. Notices from Rockland County Department of Health, signed by Elizabeth Mello, PE, dated July 7, 2021.
6. A notice from Rockland County Department of Highway, signed by Dyan Rajasingham, Engineer III, dated July 7, 2021.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated June 30, 2021.
8. Notices from the Town of Orangetown Zoning Board of Appeals signed by Dan Sullivan, Chair, dated June 23, 2021.
9. Email from Orange & Rockland, from Alfred Gaddi, dated June 18, 2021.
10. Emails from Gary D'Auria, and Margaret D'Auria, both dated July 22, 2021.
11. Project Summary prepared by applicant.
12. Re-Subdivision Plans of Land Survey for Abel Monzon, dated April 22, 2021, revised June 10, 2021.
13. A Short Environmental Assessment Form signed by Donald Brenner, dated May 6, 2021.

TO: CLERK OF BOARD

2021 JUL 29 PM 2:05

TOWN OF ORANGETOWN

**PB #21-46: Monzon Resubdivision Plan
Final Resubdivision Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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The Board reviewed the plan. The meeting was open to the public.

Public Comment:

Wayne Gavioli, Attorney representing the seller of the property, expressed concerns that the application is not necessary.

Michael Dempy, 36 Grand Avenue, raised concerns regarding the construction of a new house on the lot and how close it will be to his house.

Rik Turner, 57 Western Highway, wanted to know if the new house would be sensitive to the historic nature of the area.

Griffin Ren, 53 Western Highway, agreed with the issues raised by his neighbors.

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

A motion to go into Attorney/Client Session was made by Bruce Bond and second by Andrew Andrews at 9:37 p.m. and agreed by all in attendance.

A motion to reenter back into the Public Meeting was made by Stephen Sweeney and second by Michael Mandel at 9:44 p.m. and agreed by all in attendance.

A motion was made to re-close the Public Hearing portion of the meeting by Michael Mandel and second by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Robert Dell, absent; Michael McCrory, absent; Andrew Andrews, aye; Bruce Bond, aye 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 Bruce Bond and carried as follows: Thomas Warren - Chairman, aye; William Young - Vice Chairman, aye; Michael Mandel, aye; Robert Dell, absent; Michael McCrory, absent; Bruce Bond, aye; Andrew Andrews, aye; and Stephen Sweeney, aye, the Board declared itself Lead Agency.

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**PB #21-46: Monzon Resubdivision Plan
Final Resubdivision Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
July 28, 2021
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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 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: Rockland County Department of Highways, Rockland County Sewer District #1, Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Planning 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:

- 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.

**PB #21-46: Monzon Resubdivision Plan
Final Resubdivision Plan Approval
Subject to Conditions/ Neg. Dec.**

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

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, absent; Michael McCrory, absent; Bruce Bond, aye; 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."
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 is proposing to merge two separate undeveloped substandard tax lots to create one larger substandard lot.
4. Per Chapter 43, Table 3.12, R-15 Zoning District, Group M, column 5, Minimum Lot Area required is 15,000 square feet with 9,572 square feet proposed; and column 6, Minimum Lot Width, 100' required with 75' proposed. When the application comes back to the Office of Building, Zoning, Planning Administration and Enforcement for development of the lot, the applicant shall make application to the Planning Board for Site Plan review, to include drainage of the site, as well as obtain the required variance(s) at the Zoning Board of appeals.
5. The only lots that should be shown on the plans are the current/ existing tax lots.
6. The Town of Orangetown Bureau of Fire Prevention reviewed the plans and has no comments at this time.

TOWN OF ORANGETOWN

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TOWN OF ORANGETOWN

**PB #21-46: Monzon Resubdivision Plan
Final Resubdivision Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
July 28, 2021
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7. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:

- As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland Drainage Agency before the County Clerk can accept the plan to be filed.
- A review must be completed by the Rockland County Highway Department, any concerns addressed, and any required permits obtained.
- The regrading must be redesigned so as to be kept out of the federal wetlands.
- The applicant is proposing to combine two woefully undersized lots to create a single lot this is closer to complying with the requirements for the R-15 zoning district. It appears the lot will still be deficient in meeting the lot area and lot width requirements. Since variances from these standards will be required when the applicant wishes to develop the land in the future, the Rockland County Department of Planning requests the opportunity to review any variances that may be needed to implement the proposed subdivision, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

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.

9. Based on the information provided, Orange & Rockland Utilities commented that there are no conflicts with O&R's gas, prior to any development.

10. 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
- Rockland County Department of Health
- Rockland County Planning

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

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

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 §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.

10-2-21 9:10 AM
TOWN OF ORANGETOWN

**PB #21-46: Monzon Resubdivision Plan
Final Resubdivision Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
July 28, 2021
Page 6 of 7**

14. 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.

15. 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.

16. 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.

10-2-21 9:15 AM
TOWN OF ORANGETOWN

**PB #21-46: Monzon Resubdivision Plan
Final Resubdivision Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
July 28, 2021
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17. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.

18. 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).

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

20. 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

21. 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 William Young, Vice-Chairman and carried as follows:
Thomas Warren – Chairman, aye; William Young, Vice-Chairman, aye;
Michael Mandel aye; Andrew Andrews, aye; Bruce Bond, aye;
Stephen Sweeney, aye; Robert Dell, absent and Mike McCrory, absent.

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

July 28, 2021
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown Planning Board
attachment

Cheryl Coopersmith

TOWN CLERK'S OFFICE
2021 AUG 16 P 2:01
TOWN OF ORANGETOWN

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

**PB #21-46: Monzon Resubdivision Plan
Final Resubdivision Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
July 28, 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: Monzon 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 40-45 Grand Avenue, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.10, Block 2, Lots 36 & 44.1 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

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TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
July 28, 2021
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TO: David Higgins, Lanc & Tully, P.O. Box 687, Goshen, New York
FROM: Orangetown Planning Board

RE: Chefman Site Plan: The application of Ralph Newhouse, applicant, for 29 Corporate Drive, LLC, owner, for Final Site Plan Review. The site is known as "**Chefman 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 29 Corporate Drive, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.19, Block 1, Lot 8; in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, June 30 and July 28, 2021** the Board made the following determinations:

June 30, 2021

David Higgins and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Review dated June 16, 2021.
2. 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 June 14, 2021.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 11, 2021.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Davide Majewski, Chief Fire Inspector, dated June 11, 2021.
5. Letter from Brooker Engineering signed by Kenneth DeGennaro, P.E., dated June 29, 2021.
6. Letters from the Rockland County Department of Planning, signed by Arlene Miller, Principal Planner, dated November 18, 2019 and August 25, 2020, with an attachment of a letter signed by Douglas Schuetz, Acting Commissioner, dated January 8, 2018.
7. Letters from the Borough of Old Tappan, New Jersey, signed by Anna Haverilla, Borough Administrator, dated June 23 and June 24, 2021.
8. A Project Narrative and Response to conditions letter prepared by Lanc & Tully, Engineering and Surveying, signed by David Higgins, dated May 10, 2021.
9. Revised Geotechnical Report prepared by Daniel Loucks, PE, dated January 27, 2021.
10. Stormwater Pollution Prevention Plan prepared by Lanc & Tully Engineering and Surveying dated May 6, 2021.

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11. A Building Permit Referral dated September 27, 2019, prepared by Rick Oliver, Deputy Building Inspector.
12. Copies of the following Board Decisions: ACABOR#21-13, Approved as Presented, dated April 8, 2021; ZBA #20-63, Variances Approved for Front Yard, side Yard, Rear Yard, Building Height, Outdoor Loading Berths and Parking in front Yard, dated October 7, 2020 and PB#20-03, Preliminary Site Plan Approval Subject to Conditions, dated June 15, 2020.
13. Site Plans prepared by Lanc & Tully, Engineering and Surveying:
 - Drawing 1 of 6: Site Plan, dated August 12, 2019, revised May 6, 2021
 - Drawing 2 of 6: Existing Conditions Map, dated June 26, 2020, last revised May 6, 2021
 - Drawing 3 of 6: Grading & Utility Plan dated June 26, 2020, last revised May 6, 2021
 - Drawing 4 of 6: Erosion and Sediment Control Plan dated February 26, 2021, last revised May 6, 2021
 - Drawing 5 of 6: Landscaping Plan dated February 26, 2021, last revised May 6, 2021
 - Drawing 6 of 6: Construction Details dated June 26, 2020, last revised May 6, 2021
14. Architectural Plans prepared by Barry Terach, RA, dated January 28, 2021:
 - A-1: Floor Plan
 - A-2: Floor Plan
 - A-3: Elevations
15. A letter from Michael Young and Laurel Eckardt, 51 Greenwoods Road, Old Tappan, New Jersey, dated June 20, 2021.
16. A letter from Larry and Rosemary DelBaggio, 2 Corrigan Way, Old Tappan, New Jersey.

Public Comment:

Larry and Rosemary DelBaggio, 2 Corrigan Way, Old Tappan, New Jersey: raised concerns regarding the expansion of the building to the rear lot line and the rear yard variance that would impact the value of his property. He held that there is excessive noise coming from the site and wanted a noise barrier around the loading dock area.

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TOWN OF COVINGTON

Town of Orangetown Planning Board Decision

July 28, 2021

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

The applicant requested a **CONTINUATION**.

July 28, 2021

David Higgins and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Review dated July 21, 2021.
2. 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 July 26, 2021.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 23, 2021.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector dated July 16, 2021.
5. Letter from Lanc & Tully, signed by David Higgins, P.E., dated July 8, 2021.
6. Site Plans prepared by Lanc & Tully, Engineering and Surveying, last revised July 9, 2021:
 - Drawing 1 of 6: Site Plan, dated August 12, 2019
 - Drawing 2 of 6: Existing Conditions Map, dated June 26, 2020
 - Drawing 3 of 6: Grading & Utility Plan dated June 26, 2020
 - Drawing 4 of 6: Erosion and Sediment Control Plan dated February 26, 2021
 - Drawing 5 of 6: Landscaping Plan dated February 26, 2021, last revised May 6, 2021
 - Drawing 6 of 6: Construction Details dated June 26, 2020, last revised May 6, 2021
7. Letter from Larry DelBaggio, Rosemary Donahue, Michael Young, Laurel Echardt, residents of Old Tappan, New Jersey, dated, July 19, 2021.

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

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TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
July 28, 2021
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Public Comment:

Larry DelBaggio, 2 Corrigan Way, Old Tappan, New Jersey: raised concerns regarding the variance that was granted by the Zoning Board of Appeals, requested that the proposed trees to be planted in the rear of the site be planted on a berm and planted 6 to 8 feet apart, that a noise mitigation fence be used rather than a vinyl fence, that the Town hire a drainage consultant to review the drainage of the site and that the rear façade of the structure be painted grey to blend with the environment.

Michael Young, 51 Greenwood, Old Tappan, New Jersey, expressed concerns regarding the initial development, however now hears positive things about the improvements.

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

Reaffirmation of SEQRA:

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Lanc & Tully, Engineering and Surveying, 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 Sewer District No.1, Rockland County Drainage Agency No.1, Rockland County Department of Health, and having reviewed proposed Site Plan by prepared by Lanc & Tully, Engineering and Surveying, a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
July 28, 2021
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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 McCrory, absent; Andrew Andrews, aye; Michael Mandel, aye; Robert Dell, absent; Bruce Bond, aye and Stephen Sweeney, 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.

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**Town of Orangetown Planning Board Decision
July 28, 2021
Page 6 of 10**

3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.
4. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ACABOR#21-13, Approved as Presented, dated April 8, 2021; ZBA #20-63, Variances Approved for Front Yard, Side Yard, Rear Yard, Building Height, Outdoor Loading Berths and Parking in Front Yard, dated October 7, 2020 and PB#20-03, Preliminary Site Plan Approval Subject to Conditions, dated June 15, 2020.
5. The applicant has added the requested vegetative screening along the south side of the proposed addition.
6. Note #12 shall be removed from the Site Plan map notes.
As testified at the October 7, 2020 Decision #20-63, for hours of operation for trucking will be from 7:00 a.m. to 10:00 p.m. Place this information as a note on the plan.
7. The applicant is now proposing 395 linear feet of 8'-0" privacy screening along the east and south side of the parking area. An emergency access gate shall be provided along the south fence line. Details of screening must be provided and ACABOR review and approval is required.
8. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained and the Final Site Plan is stamped by the Chief Clerk to the Board.
9. The applicant's engineer is advised that all of the proposed plantings must be included in the total area of disturbance and the limit of disturbance adjusted on the drawings as needed. Also, the amount and type of vegetation to be added shall be specifically called out in the SWPPP.
10. Drawing 5 of 7 shows new trees to be planted too close to the proposed drainage piping. The trees shall be moved away from the proposed piping so that their roots do not adversely affect the piping.
11. The Town of Orangetown Bureau of Fire Prevention reviewed the submitted information and offered the following comments: Provide a gate for firefighter access in the 8' fence in the area of the proposed concrete ramp. This gate shall provide firefighter access to the rear of the building.

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**Town of Orangetown Planning Board Decision
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12. Orange and Rockland Utilities has reviewed the submitted information and offered the following comment:

The new addition will be in conflict with the existing gas service as it enters the building from the northwest corner. The developer shall contact O&R's new business department for all terminations, relocations, and energizing.

13. Drainage Review Recommendation - Brooker Engineering

Drainage Review Recommendation

The proposed action has provided information that demonstrates that potential significant adverse impacts with respect to drainage can be mitigated. The Drainage Consultant, Brooker Engineering, therefore recommends that the Chefman Site Plan be approved for drainage subject to the following comments.

Project Description

This is the third drainage review report for this application; the last review was dated June 12, 2020. The property is located at southwest side of Corporate Drive about 1500 feet east of the intersection with Blaisdel Road. There is an existing warehouse building located in the middle of the property. The 47,335 SF building addition is proposed along the north, south, and west sides of the building. A small portion of the parking lot will be removed to accommodate the building expansion; expansion of the parking lot is proposed along the northern portion on the property.

The property has an east/west ridge and stormwater runoff flows from the ridge north towards Corporate Drive and south from the ridge towards the corporate limits with New Jersey. Stormwater runoff from portions of the building and existing parking lot will be directed to the new stormwater management infiltration basin on the south side of the property.

Project Comments

1. Provide the construction detail for the proposed outlet structure at the northwest corner of the property.
2. Provide more detail in the area of the proposed outlet structure at the northwest corner of the property to show stormwater runoff from the new roof drains and paved fire access road will enter the system. The outlet structure has a grate elevation of 75.75 and the swale contributing to the outlet structure has an invert elevation of approximately 75, meaning ponding will occur in this area prior to stormwater runoff entering the structure through the grate. This ponding may inundate portions of the fire access road and should be revised to eliminate this potential condition.
3. Show the drainage overflow path if the rim of the outlet structure is clogged; there shall be a secondary means for water to enter the system without flowing toward the adjacent property to the southwest.

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**Town of Orangetown Planning Board Decision
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Continuation of Condition #13...

4. Clarify the existing and proposed drainage structures and pipes at the northwest corner of the property; coordinate the drainage pipes between existing conditions and proposed conditions plans.
5. Label the hatched area along the north and east sides of the building addition and add to the legend.
6. It appears the new pedestrian door at the northwest corner of the building addition leads to a concrete pad on the outside with no sidewalk. The applicant shall confirm that no sidewalk is necessary in this area.
7. Proposed Drainage Manhole 1 (Proposed DMH-1) creates a situation where stormwater runoff must turn almost 360 degrees within the structure to flow out of the structure. This shall be realigned.
8. Provide a roof drainage plan and coordinate the roof drainage divide points on the Site Plan.
9. Provide the hydrologic/hydraulic calculations to demonstrate the existing drainage channel along the south side of the property will not inundate the proposed infiltration basin.

14. The Town of Orangetown Bureau of Fire Prevention (Bureau) held that all comments have been satisfactorily satisfied from PB#20-03, Preliminary Site Plan Approval Subject to Conditions, dated June 15, 2020.

15. The Rockland County Health Department reviewed the submitted information and found that should the Board require a Stormwater management system to remediate the increase in impervious surface, application is to be made to the Health Department for review of the stormwater system for compliance with the County Mosquito Code

16. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is not required based upon its review of the information provided.

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

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

19. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.

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

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

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

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

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TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
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23. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.

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

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

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

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

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

**Dated: July 28, 2021
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown Planning Board**

TOWN CLERK'S OFFICE
2021 AUG 16 P 2:02
TOWN OF ORANGETOWN