

TOWN OF ORANGETOWN PLANNING BOARD
Virtual Meeting of Wednesday, October 13, 2021

MEMBERS PRESENT:

Thomas Warren, Chairman	Andrew Andrews
Michael Mandel	Michael McCrory
Stephen Sweeney	Bruce Bond (alternate)
Robert Dell	

MEMBER ABSENT: None

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

Thomas Warren, Chairman, called the virtual meeting to order at 7:30 p.m. Mr. Warren read the agenda. Hearings as listed on this meeting's agenda which are made a part of these minutes were held as noted below:

Continued Item from September 22, 2021 Meeting

25 Ramland Road Site Plan	PB#21-47
Request to Release Performance Bond	Recommendation
Recommendation to the Town Board	to Town Board
25 Ramland Road, Orangeburg	
73.20/1/26; LIO zoning district	

Consultations :

Safe-N-Sound Site Plan Consultation	PB #21-51
Consultation	Consultation
249 N. Middletown Road, Pearl River	
68.12/3/27; CO zoning district	

145 Tweed Boulevard Site Plan Consultation	PB #21-52
Critical Environmental Area	Consultation
Consultation; 145 Tweed Boulevard site Plan	
75.05/1/13; R-22 zoning district	

Postponed Item from the July 12, 2017 Meeting:

South Corner Plaza Site Plan	PB #17-37
Final Site Plan, Reapproval of	Postponed by
Prepreliminary/ Preliminary/	Applicant
Final Site Plan Review	
and Reaffirmation of SEQRA	
2 Route 340, Orangeburg	
74.11/2/47; CC zoning district	

Postponed Item from the September 22, 2021 Meeting:

802 Route 9W Site Plan	PB #21-50
Critical Environmental Area	
Prepreliminary/ Preliminary/ Final	Postponed by
Site Plan and SEQRA Review	Applicant
802 Route 9W, Nyack	
75.05/1/4; R-22 zoning district	

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Continued Item from the April 14, 2021 Meeting:

J & M North Site Plan

PB #21-23

Reapproval of Final Site Plan
PB#16-23 and Internal
Commercial Subdivision
and Reaffirmation of SEQRA
327 North Middletown Road, Pearl River
68.08/1/4; CO zoning district

**Final Site Plan
Approval Subject
to Conditions**

New Items:

Alatsas Site Plan

PB #21-53

Final Site Plan Review
9 & 11 Bergen Avenue, Palisades
77.20/2/85 & 86; R-15 zoning district

**Final Site Plan
Approval Subject
to Conditions**

Comito Bight Lane Site Plan

PB #21-54

Critical Environmental Area
Final Site Plan Review
455 South Broadway, Upper Nyack
71.05/2/12.2; RG zoning district

**Final Site Plan
Approval Subject
to Conditions**

Sparkill Fire District Plans

PB#21-55

Amendment to Filed Site Plan
Prepreliminary/ Preliminary/
Final Site Plan and SEQRA Review
520 Route 340, Sparkill
78.05/2/60 & 61; RG/R-15 zoning district

**Final Site Plan
Approval Subject
to Conditions**

The decisions of the September 22, 2021 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel and seconded by Stephen Sweeney carried as follows: Thomas Warren – Chairman, aye; Michael Mandel, aye; Stephen Sweeney, aye; Robert Dell, aye; Michael McCrory, aye; Bruce Bond, aye and Andrew Andrews, aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Michael Mandel and seconded by Stephen Sweeney and agreed to by all in attendance. The meeting was adjourned at 10:30 p.m. The next Planning Board meeting is scheduled for October 27, 2021.

DATED: October 13, 2021

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



TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN

PB#21-47: 25 Ramland Road Site Plan – Recommendation to the Town Board to Release the Performance Bond

**Town of Orangetown Planning Board Recommendation
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TO: Joseph Lagana, 35 West Jefferson Avenue, Pearl River, New York, 10965
FROM: Town of Orangetown Planning Board

RE: 25 Ramland Road Site Plan - Request to Release Performance Bond: The application of United States Information Systems, owner, for a Recommendation to the Orangetown Town Board to Release the Performance Bond for 25 Ramland Road Site Plan at a site known as “**25 Ramland Road 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 25 Ramland Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.20, Block 1, Lot 26 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, September 22 and October 13, 2021**, at which time the Board made the following determinations:

September 22, 2021

The Board received the following communications:

1. A Project Review Committee Report dated September 1, 2021.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated August 31, 2021.
3. A copy of an interdepartmental memorandum from Karl Bohn to James Dean, Superintendent of Highways, Town of Orangetown Highway Department, dated September 20, 2021.
4. A copy of “Other Business” from September 26, 2018, Recommendation to the Town Board to Establish the Term and Value of the Performance Bond.

The Hearing was open to the public.

The application was CONTINUED.

October 13, 2021

Trevor Castagna appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated October 6, 2021.
2. Interdepartmental memorandums from James Dean, Superintendent of Highways, Town of Orangetown Highway Department, dated October 13, 2021.

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

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PB#21-47: 25 Ramland Road Site Plan – Recommendation to the Town Board to Release the Performance Bond

**Town of Orangetown Planning Board Recommendation
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RECOMMENDATION: In view of the foregoing, the Planning Board **Recommended to the Town of Orangetown Town Board to Release the Performance Bond.**

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

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

Dated: October 13, 2021
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown



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21-51-12/21 cc
PB #20-51: Safe N Sound Child Care Site Plan
Consultation

Town of Orangetown Planning Board Decision
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TO: Donald Brenner, 4 Independence Avenue, Tappan,
New York 10983
FROM: Orangetown Planning Board

RE: Safe N Sound Site Plan: The application of Safe N Sound Childcare, owner, for a CONSULTATION at a site to be known as "Safe N Sound Site Plan CONSULTATION", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 249 North Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.12, Block 3, Lot 27; in the CO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 13, 2021** at which time the Board made the following determination:

Donald Brenner, Jay Greenwell, and Sean Quinn appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated October 1, 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 October 8, 2021.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated October 7, 2021.
4. Consultation Site Plans prepared by Jay Greenwell, PLS:
 - Sheet 1: Consultation Site Development Plan, dated August 18, 2021
 - Sheet 2: Consultation Grading, Drainage and Utility Plan, dated August 18, 2021

The Board reviewed the plans, discussing the ingress/egress to the site.

Public Comments:

Dan Rogiski, 146 East Lewis Avenue, Pearl River, noted that Lewis Avenue is currently a speedway and that East Lewis should not have an exist or entrance to the project site.

Christine Orfanoudakis, 129 East Lewis Avenue, Pearl River, informed the Board that the Town Traffic Advisory Board reviewed the traffic on East Lewis Avenue and found that 883 cars used the roadway. She held that the proposed developed would create additional traffic on the street. Ms Orfanoudakis requested that the exit/entrance to the site remain on North Middletown Road, since use of East Lewis Avenue is a safety concern to the neighborhood.

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20-51 CC 10/14/21

**PB #20-51: Safe N Sound Child Care Site Plan
Consultation**

**Town of Orangetown Planning Board Decision
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The following Pearl River residents opposed the entrance/exit on East Lewis Avenue:

Mary Ann Callona, 11 East Lewis Avenue
Rene Spadaccini, 168 East Lewis Avenue
Bruce Fox, 28 East Lewis Avenue
Christine Hammessy, 4 Charles Street
Steven Selby, 105 East Lewis Avenue
Bridget Georgakopouls, 53 East Lewis Avenue
Ms Targualy, 117 East Lewis Avenue

Dennis Lenahan, Carrol Street, Pearl River, wanted to know if there would be a buffer on the west side of the site. Also, he noted that the traffic pattern for Safe N Sound site has worked for 35 years, in and out on North Middletown Road, so there is no need to change it now.

A motion was made to close the Public Hearing portion of the meeting by Michael Mandel and seconded by Michael McCrory and carried as follows: Thomas Warren - Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye, Michael McCrory, aye, Robert Dell, aye; Stephen Sweeney, aye, and Bruce Bond, aye.

CONSULTATION: In view of the foregoing and the testimony before the Board, the application 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. 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.

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21-51 10/28/21

PB #20151: Safe N Sound Child Care Site Plan Consultation

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4. The applicant has submitted a revised proposed plan based upon the comments received from the various agencies, for consultation only. This proposed layout is for a 10,000 square foot building which is reduced in size by 2,889 square feet from the previous proposed plan.

5. The play area and parking areas have also been reduced

6. The applicant is reminded that they must submit a full site plan package complying with Chapter 21 A.

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: October 13, 2021
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown



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**PB #20-52: 145 Tweed Boulevard Site Plan
Critical Environmental Area
Consultation**

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**TO: Robert Silarski, AIA, 41A North Broadway, Nyack, New York,
10960**
FROM: Orangetown Planning Board

RE: 145 Tweed Boulevard Site Plan – Critical Environmental Area:
The application of Robert Silarski, applicant, for ADA Biondi, owner, for a Consultation at a site known as “**145 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. The site is located at 145 Tweed Boulevard, Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 75.05, Block 1, Lot 13 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 13, 2021**, at which time the Board made the following determination:

Robert Silarski appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated October 6, 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 October 8, 2021.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated October 7, 2021.
4. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated September 21, 2021.
5. Letter from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated August 23, 2021.
6. Letter from Rockland County Health Department, signed by Liz Mello, PE, dated September 8, 2021.
7. Letter from Rockland County Sewer District No.1, signed by Joseph LaFiandra, Engineer II, dated September 9, 2021.
8. An email from Alfred Gaddi, Principal Engineer, Orange and Rockland Utilities, dated August 13, 2021.

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**PB #20-52: 145 Tweed Boulevard Site Plan
Critical Environmental Area
Consultation**

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9. Site plans for consultation by Brooker Engineering, last revision date of June 15, 2009.
10. Architectural Plans for consultation by James Tanner, last revision date of June 10, 2010.

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

CONSULTATION: In view of the foregoing and the testimony before the Board, offered the following comments:

1. The applicant is requesting confirmation that access from Tweed Boulevard will be permitted. The applicant has been advised that a formal site plan application must be submitted and reviewed that complies with Chapter 21A.
2. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - Since Tweed Boulevard is a County highway, a review must be completed by the Rockland County Highway Department to determine if site access is feasible. Any concerns they have about the access from this roadway must be addressed, and all required permits obtained.
 - This is a consultation for the potential access to the site from Tweed Boulevard, with no dwelling proposed at this time. Due to this, no site plan has been prepared for the parcel. Therefore, we cannot assess the impacts access or future dwelling may have on any Countywide interests. 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).
 - The referral form specifies that the zoning designation is LO. This is incorrect. The subject parcel is within an R-22 zoning district. All application materials must be consistent. If public hearing notice was issued with the incorrect zoning information, it must be corrected and reissued.

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**PB #20-52: 145 Tweed Boulevard Site Plan
Critical Environmental Area
Consultation**

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3. The Rockland County Department of Highways reviewed the submitted information and offered the following:
- No load bearing structures shall be constructed in the County's Right of Way, unless the ownership and maintenance jurisdictions are clearly defined and recorded in the Rockland County.
 - A Right of Way Permit shall be obtained from the Rockland County Highway Department prior to starting any construction in the site if the proposed action is approved by the Town.
4. 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.
5. Orange and Rockland Utilities (O&R) has reviewed the submitted information and found that in according with its base maps, O&R does not have a service or main feeding 145 Tweed Boulevard.

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

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: October 13, 2021
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown



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PB#21-23: J & M North Corp. Site Plan: Permit #44858
Reapproval of Final Site Plan and Internal Subdivision Plan
Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision
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TO: Mustafa Halkhatib, J & M North Corp. 327 North Middletown Road, Pearl River, NY 10965
FROM: Orangetown Planning Board

RE: J & M North Corp. Reapproval of PB#16-23 Site Plan and Internal Commercial Subdivision Plan: The application of J & M North Corp. owner, for Reapproval of Final Site Plan and Internal Commercial Subdivision Plan Review at a site known as "**J & M North Corp. 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 and Chapter 21 of the Code of the Town of Orangetown and Reaffirmation of SEQRA. The site is located at 327 North Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.08, Block 1, Lot 4 in the CO zoning district.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held **Wednesday, April 14, 2021** and an in-person meeting on **October 13, 2021 meeting**. The Board received the following communications:

April 14, 2021

1. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, Director, dated April 6, 2021.
2. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 26, 2021.
3. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated March 26, 2021.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated March 18, 2021.
5. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer I, dated March 23, 2021.
6. A letter from the New York State Department of Transportation, signed by Stephen DeMassio, PE, dated March 17, 2021.
7. Site Plan prepared by John Bezuyen, PLS, dated October 6, 2015, last revision date of January 21, 2021.
8. Copies of the following Board Decisions: PB#16-23, Final Planning Board Decisions, Approved with Conditions, dated February 8, 2017 and ACABOR #17-21, Approved Subject to Conditions, dated June 8, 2017.
9. Building Permit Referral dated November 6, 2015, signed by Glen Maier, Building Inspector.

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PB#21-23: J & M North Corp. Site Plan: Permit #44858
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Approval Subject to Conditions/ Neg. Dec.

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

Public Comment:

Jessica Cancchino, 90 Secor Boulevard, Pearl River; raised concerns regarding the site being a used car lot. She noted that the site was not maintained well.

Francis Nugent, 50 Secor Boulevard, Pearl River, wanted to know if the site is a used car dealer.

Denis Angelmi, 42 Secor Boulevard, Pearl River, wanted to know if the applicant planned on any physical improvements to the site, such as signage, shrubs, the building. He raised concerns regarding the location of the storage sheds on the site.

The applicant requested a **CONTINUATION**.

October 13, 2021

1. Project Review Committee Report dated October 6, 2021.
Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, Director, dated October 8 and September 27, 2021.
2. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 7, 2021.
3. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated September 23, 2021.
4. Letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated October 4, 2021.
5. Letter from Rockland County Health Department, signed by Elizabeth Mello, PE, Senior Public Health Engineer, dated September 8, 2021.
6. Email from Alfred Gaddi, PE, Orange and Rockland Utilities, dated August 16, 2021.
7. Site Plan prepared by John Bezuyen, PLS, dated April 24, 2017, last revision date of June 29, 2021.

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; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, aye, Michael McCrory, aye, Bruce Bond, aye.

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**PB#21-23: J & M North Corp. Site Plan:
Reapproval of Final Site Plan and Internal Subdivision Plan
Approval Subject to Conditions/ Neg. Dec.**

Permit #44858

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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 John Bezuyen, PLS 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 Department of Health, Rockland County Department of Highway and having reviewed proposed Site Plan by prepared by John Bezuyen, 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'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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PB#21-23: J & M North Corp. Site Plan: Permit #44858
Reapproval of Final Site Plan and Internal Subdivision Plan
Approval Subject to Conditions/ Neg. Dec.

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On motion by Stephen Sweeney and second by Michael Mandel and carried as follows: Thomas Warren - Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, aye, Michael McCrory, aye, Bruce Bond, 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 Reapproval of Final Site Plan and Internal Subdivision 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 pertinent and applicable conditions of all previous Board Decisions: PB#16-23, Final Planning Board Decisions, Approved with Conditions, dated February 8, 2017 and ACABOR #17-21, Approved Subject to Conditions, dated June 8, 2017.
4. The applicant must explain how they arrived at 15 parking spots being required.
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. The site plan supplied is missing all of the previous revisions (with dates) in the title block. These revisions shall be re-listed in the title block.
7. The previous submission contained a landscape plan that required updating. No revised landscape plan was provided, indicating that the previously supplied plan is still the last official submission AND it requires changes. An updated landscape plan shall be supplied.
8. The symbol for W.W.F. mesh in the concrete sidewalk detail shall be removed.

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OCT 28 4 11 PM '21
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9. The Town of Orangetown Bureau of Fire Prevention reviewed the submitted information and found the following:

- The proposed propane exchange container must be 10' from combustible. It appears from scaling the drawing that the tank storage unity is less than 10' from the building.
- Install vehicle impact protection – Bollards to protect propane storage cage 2020 IFC 312.2

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

1. An updated review must be completed by the County of Rockland Department of Highways and all required permits obtained. As indicated in its January 11, 2017 letter, a work permit is required for the proposed development.
2. An updated review must be completed by the County of Rockland Department of Health, and comments or concerns addressed, and any required permits obtained. In addition, existing monitoring wells are shown on the site plan. The Applicant must provide documentation that any NYSDEC spills have either been closed, or that all proposed site development plans have been reviewed and approved by the NYSDEC. If any of the existing wells will no longer be used following the proposed site development, a formal notation on the approved plans must specify that the wells will be decommissioned in compliance with Article II of the Rockland County Sanitary Code. Furthermore, this work must be done in accordance with the terms of a well decommissioning permit that must be obtained from the Rockland County Department of Health.
3. The convenience mart is a pre-existing non-conforming use in the CO zoning district. A use variance was granted in 1996 for a gas station, and the convenience store was a permitted use when the site was previously zoned CC. However, the current zoning does not permit either use, and since two uses are proposed on the site, a commercial subdivision may need to occur. In addition, several changes have been made over time to the site plan. If it is determined that more than 50% of the site plan has been expanded or modified, then a use variance may have to be sought. It must be determined if a use variance is warranted, and an internal subdivision obtained for the two uses on the site.

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4. As noted above, these uses are not permitted in the CO zoning district, and therefore it is not clear how the parking analysis numbers were derived or the bulk requirements obtained. In addition, no parking information was provided for the food mart/convenience store use. The on-site parking standard must be specified for the retail use. It must be clarified what parking and bulk requirements are needed, and all components of the site factored into the parking calculations.
5. A previous plan, with a revision date of August 2, 2016, indicated that the required parking was 3 +4 for each service bay, or 11 spaces. This seems to indicated that there are two service bays, which was confirmed during a recent site visit. The current plan, with a revised date of June 29, 2021, indicates that 6 + 4 for each service bay or 15 spaces, are required. If there are two service bays, then the total required would be 14, not 15 parking spaces. As requested above, it must be noted how the "6" required spaces was derived, and what floor area was used as the basis for the parking calculation. The parking analysis must be corrected if the number of parking spaces required and this space is eliminated, a variance will be needed.
6. As noted in the letter from the applicant, the propane tanks will remain in their originally approved location, as per a request from the Board. However, these tanks are located within a proposed parking space. This space must be eliminated or relocated to an area that is accessible and does not contain propane tanks. If 15 parking spaces are required and this space is eliminated, a variance will be needed.
7. During a recent site visit, there were 30+ vehicles parked throughout the site, including vehicles parking directly in front of the entrances along North Middletown Road, and the westernmost entrance on Crooked Hill Road. This restricted access to only the eastern entrance on Crooked Hill Road. Access to the air pumps and vacuum were also restricted due to these parked vehicles. While the applicant is proposing to close the western entrance on Crooked Hill Road, the vehicles blocking the remaining entrances must be removed so that there is sufficient room for safe maneuverability within the site and so vehicles ma safely access the site from all entrances, not just one. In addition, under no circumstances may vehicles park in the right of way of the county highway.
8. The proposed site plan is an improvement over previously submitted plans, as more of the encroachments are being addressed including the area in the right of way of the County Highway in the southeastern corner, in which the pavement is being removed and replaced with landscaping. However, the landscaping plan indicates this entire area is to be planted with different trees and shrubs and does not illustrate the sidewalk to remain or be extended. The area that is currently a concrete walkway, and the area noted on the site plan where the walkway is to be extended must be retained. The landscaping plan must be revised so that both plans are consistent and the walkway remains.

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PB#21-23: J & M North Corp. Site Plan: Permit #44858
Reapproval of Final Site Plan and Internal Subdivision Plan
Approval Subject to Conditions/ Neg. Dec.

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Continuation of Condition #10...

9. A blank SEAF was included with this application. The applicant must fill out this form and answer each question. When completing this form, the applicant should consider using the EAF Mapper Application which automatically answer location-based questions using NYS database information.
 10. 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.
 11. All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.
 12. The Rockland County Department of Planning requests the opportunity to review any variances which may be necessary to implement the proposed site plan.
11. The Rockland County Health Department (RCDOH) reviewed the information provided and offered the following comment:
1. The existing monitoring wells are to be shown to ensure that there are no conflicts with any of the proposed improvements.
12. Based on the Orange & Rockland Utilities base maps, O&R does not have a gas service feeding the property. All code 753 rules still must be followed.
13. New York State Department of Transportation reviewed the submitted information had found that the project does not have direct impact to the State Highway system and have no additional comments to offer at this time.
14. The Rockland County Highway Department reviewed the site plans and based upon the plans and information received, no major constructions are planned. The proposed action would not have foreseeable adverse impact to county roads in the area. The proposed work lies within 500 feet from the closest county roads, a Rockland County Highway Department work permit will be required for the proposed development.
15. 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.
16. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.

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

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

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

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

- Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.

- Light Impacts Only – Installation of $\frac{3}{4}$ inch of plywood or boards, or equal over the area to be protected.

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

18. 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.

19. 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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**PB#21-23: J & M North Corp. Site Plan:
Reapproval of Final Site Plan and Internal Subdivision Plan
Approval Subject to Conditions/ Neg. Dec.**

Permit #44858

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

21. 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).

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

23. 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

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

25. 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 Bruce Bond and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, nay, Michael McCrory, aye, and Bruce Bond, 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: October 13, 2021
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown



TOwn CLERK'S OFFICE
OCT 28 A 11:49
TOwn OF ORANGETOWN

**PB #21-53: Alatsas Site Plan
Final Site Plan Approval
Subject to Conditions/ Neg. Dec.**

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

RE: Alatsas Site Plan: The application of George Alatsas, applicant, for Sheila Prisco-Case, Executor for owner, for Final Site Plan Review at a site to be known as "**Alatsas 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 9 & 11 Bergen Avenue, Palisades, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.20, Block 2, Lots 85 & 86 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 13, 2021**, the Board made the following determinations:

Jay Greenwell and George Alatsas appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated October 1, 2021.
2. 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 September 27, 2021.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., October 7, 2021.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector dated September 23, 2021.
5. Letter from Maser Consulting, signed by Jesse Cokeley, PE., dated September 1, 2021.
6. Letter from Rockland County Department of Planning, from Helen Kenny-Burrows, Principal Planner, dated August 31, 2021.
7. Letter and notice from Rockland County Department of Health, signed by Elizabeth Mello, PE, dated September 8, 2021

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8. Copy of PB#21-12, Alatsas Final Resubdivision Plan Approval Subject to Conditions, dated February 24, 2021.
9. Site Plan of Land for Alatsas dated April 12, 2021, last revision date of August 11, 2021:
 - Sheet 1 of 2: Site Plan
 - Sheet 2 of 2: Detail Sheet
10. Copy of Percolation Test Results for 9-11 Bergen Avenue prepared by Fairway Testing, dated May 28, 2021.

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

There being no one to be heard from the public, a motion was made to close the Public Hearing portion of the meeting by Michael Mandel and second by Stephen Sweeney and carried as follows: Thomas Warren - Chairman, aye; Michael Mandel, aye; Robert Dell, aye; Michael McCrory, aye; Andrew Andrews, aye; 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 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 Department of Highway and having reviewed proposed Site Plan a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

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

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

1. The following note shall be placed on the 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. 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.

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4. The applicant shall comply with all pertinent and applicable conditions of all previous conditions of all Board conditions: ACABOR #21-25, Approved with Conditions, dated July 22, 2021, ZBA#21-67, Variance Granted for Floor Area Ratio, Lot Area, Rear Yard, Approved, Under Sized Lot Acknowledged and 280-A Exception Granted, dated July 7, 2021 and PB #21-33: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec., dated May 26, 2021.

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. The applicant shall research the possibility of connecting the proposed sanitary house connection to the sanitary main on Scotti Avenue.

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

8. Flared end sections and riprap at both end of the proposed new drainage crossing under Bergen Avenue.

9. Profiles for all proposed drainage piping facilities are required and shall be added to the plans.

10. Details, including elevations for the proposed drywell system shall be added to the drawings. Also, an overflow shall be designed and depicted for the proposed drywell system.

11. A post construction Stormwater Maintenance Agreement for the proposed stormwater systems shall be submitted to DEMA and the Orangetown Town Attorney's Office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with a telephone number, yearly report to be submitted to DEMA, etc.

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12. The Perc Test results indicate that the test hole was dug to a total depth of 4 feet. However, this is too shallow. Based on the detail provided, the bottom of the drywell seems to be about 4.5 below the grade. Therefore, the test hole shall be at least 6.5 feet below grade. The perc tests/ groundwater elevation determination shall be redone at the proper depth.

13. The profile for the extension of Bergen Avenue shows a "hump" being constructed in the roadway. This is unacceptable. The road shall be redesigned to have no hump in it.

14. Details, including elevations, for the proposed drywell system shall be added to the drawings. Also, an overflow shall be designed and depicted for the proposed drywell system.

15. Note #19 shall be revised to include; slop/ utility sinks, floor drains, clothes washers, dish washers.

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

1. A study, report, or calculations shall be provided that indicates how the drywells and shallow depression were sized to provide a zero-net increase in stormwater runoff from the site.
2. 50' separation from the proposed well to the proposed drywell gravel bed is depicted on the plans. Please include separation distance to any neighboring wells.
3. The plan proposes to replace the existing 15" CMP pipe crossing Bergen Avenue with a 12" DIP pipe. Please provide calculations to show the 12" pipe has capacity for the proposed tributary runoff. Furthermore, the proposed pipe discharges at a lower invert elevation than the existing pipe. Please demonstrate that this will have no negative impacts downstream of the discharge point.

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

- A permit for the proposed well will need to be obtained from the RCDOH.
- Application is to be made to RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.

18. Orange and Rockland Utilities (O&R) reviewed the information and noted that O&R does not have a gas service feeding the property.

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

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

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

22. 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.

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23. 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.

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.

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.

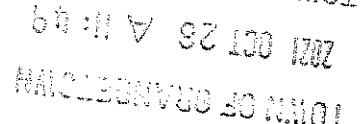
The foregoing Resolution was made and moved by Stephen Sweeney and seconded by Andrew Andrews and carried as follows:

Thomas Warren – Chairman, aye; Michael Mandel aye; Andrew Andrews, aye; Bruce Bond, aye; Stephen Sweeney, aye; Robert Dell, aye and Mike McCrory, aye.

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

Dated: October 13, 2021

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



**PB#21-54: Comito-Bight Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit # 51067

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**TO: Dylen Comito, 87 Sixth Avenue, Nyack, New York 10960
FROM: Orangetown Planning Board**

RE: Comito-Bight Site Plan – Critical Environmental Area: The application of Marc Comito, applicant, for Comito Homes, owner, for Final Site Plan Review at a site to be known as “**Comito-Bight 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 455 South Broadway, Upper Grandview, in the Critical Environmental Area, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 2, Lot 12.2 in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 13, 2021**, the Board made the following determinations:

Jay Greenwell, Marc Comito and Robert Knoebel appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated October 1, 2021.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, Director, dated September 27, 2021.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 7, 2021.
4. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated October 13, 2021.
5. Letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated October 4, 2021.
6. Letter from the Rockland County Department of Health, signed by Elizabeth Mello, P.E., dated September 21, 2021.
7. Letters from Rockland County Sewer District, signed by Joseph LaFiandra, Engineer II, dated March 25, 2021.
8. Letters from Bart Rodi, PE, Village Engineer, Village of Grand View-on-Hudson, dated October 13 and August 13, 2021.
9. A copy of a letter from Paul Gdanski, PE, to Bruce Peters, Town of Orangetown, dated October 6, 2021.
10. An email dated September 13, 2021 and a letter from Village of Grand View-on-Hudson dated September 21, 2021.
11. Copies of the following Board Decisions: ACABOR #21-30, Approved as Presented, dated September 9, 2021, ZBA#21-72, Street Frontage and 15% Driveway Grade Variances Approved and NYS Town Law 280-a Exception Granted, dated July 21, 2021 and PB #21-32, Preliminary Site Plan Approval Subject to Conditions, dated May 26, 2021.

BOULEVARD SAINT-JOSEPH
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TOWN OF ORANGETOWN

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12. Site Plan prepared by Jay Greenwell, PLS and Paul Gdanski, PE dated January 20, 2021, last revised September 20, 2021.
13. Road Profile Plan prepared by Jay Greenwell, PLS dated May 25, 2021, last revised September 20, 2021.
14. Building Permit Referral dated February 2, 2021 signed by Rick Oliver, Building Inspector.

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

Public Comment:

James Walsh, 474 Colman Avenue, Nyack, representing his father-in-law, Mr. Gerrity, abutting property owner, raised concerns regarding the use of Mr. Gerrity's property as a private driveway. He held that the Board should not give the builder the right to build on someone else's property.

Marsha Norton, 3 Bight Lane, Nyack, opposed the development.

Karen Walsh, Tallman Avenue, Nyack, wanted to know who will be responsible to maintain the driveway easement across the Gerrity property.

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

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 Paul Gdanski, PE and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of

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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 a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

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

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

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1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall comply with all pertinent and applicable Board Decisions: ACABOR #21-30, Approved as Presented, dated September 9, 2021, ZBA#21-72, Street Frontage and 15% Driveway Grade Variances Approved and NYS Town Law 280-a Exception Granted, dated July 21, 2021 and PB #21-32, Preliminary Site Plan Approval Subject to Conditions, dated May 26, 2021.
4. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Site Plan is stamped by the Chief Clerk to the Board and the construction plans are reviewed and approved by the Inspector.
5. Soil borings and determination of groundwater elevations shall be performed at the subsurface detention system location. These tests shall also be performed **PRIOR** to this proposal receiving **Final Approval** to ensure the adequacy of the proposed design. This information shall be added to the drainage calculations. The tests shall be performed in the spring or fall when the ground water table is typically at its highest. DEME shall be notified at least 48 hours prior to this test to allow for inspection.
6. A profile for the proposed regrading, over the existing 60-inch CMP drainage line, within the Town of Orangetown Storm sewer easement, shall be added to the plans.
7. Given the shallow depth of the existing 24-inch RCP running west to east along the northern property line and the proposed regrading, installation of curbing, driveway and trench drain at elevations from ± 46.9 to ± 48 that is proposed to take place over said drainage line at the north east corner of the property, a couple of cross sections of this area shall be added to the drawings. These sections shall include, but not be limited to, existing grading, proposed grading, existing 24-inch CMP, existing sanitary main, existing 60- inch CMO, proposed trench drain, proposed curbing, proposed driveway, proposed water line, etc.

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8. Profiles for all drainage piping shall be added to the drawing.
9. A private sanitary house connection is shown running across the western portion of the property. The ownership of this line shall be added to the drawings. A note on the plan indicates that this house connection may be relocated. A plan and profile for any proposed relocation shall be added to the drawings as part of this site plan application. As stated in comment #16 above, there shall be a minimum separation distance of 18-inches between the relocated sanitary house connection and any other utility. Lastly, an easement shall be prepared by the applicant's attorney/ surveyor to the benefit of the owner of the sanitary house connection. The easement shall be submitted for review and approval by the Town of Orangetown Town Attorney's Office and DEME prior to filing.
10. A portion of the re-grading of Bight Lane and the proposed soil erosion and sediment control features are within the Village of Grand View-on-Hudson. Written approval from the Village shall be obtained **PRIOR** to receiving Final approval. Also, copies of all correspondence with the Village shall be submitted to the Planning Board and DEME.
11. A post construction stormwater maintenance agreement for the proposed stormwater system shall be submitted to DEME and the Orangetown Town Attorney's Office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with a telephone number, yearly report to be submitted to DEME, etc.
12. The applicant/ applicant's representative shall contact the Town of Orangetown Highway Superintendent to coordinate any and all construction/ construction access over the Town's storm sewer mains.
13. A profile for the proposed regrading over the existing 24 inch – 18-inch drainage line shall be added to the plans. All crossing, connections, etc. shall be shown on the profile.
14. The proposed sanitary house connection cleanout over the 60-inch drainage pipe shall be moved to the north to avoid being over the drainage pipe.
15. **Drainage Review Recommendation – Brooker Engineering**
The proposed action has provided sufficient analysis to demonstrate potential significant increases in stormwater runoff can be mitigated. Brooker Engineering, the Planning Board Drainage Consultant, therefore recommends that the Comito-Bight Site Plan be approved for drainage subject to the following Project Comments.

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Continuation of Condition #15...

Project Description

This is the second drainage review report for this project; the last review was dated May 24, 2021. The property is located on the west side of River Road, at the end of Bight Lane. Stormwater runoff from the site flows downhill to the east. The site is undeveloped and the proposed project consists of the construction of a new single-family residence and driveway. Drywells are proposed along the eastern property line to mitigate increases in stormwater runoff from the new house.

Project Comments

1. As per the May 24, 2021 drainage review letter, revise the grading in the rear of the proposed house to show positive drainage away from the building.
2. As per the May 24, 2021 drainage review letter, include drainage area maps for existing and proposed conditions showing the areas that are to be directed to the drywells. Evaluate the potential for uphill off-site areas to enter the drywells.
3. As per the May 24, 2021 drainage review letter, a part plan at a larger scale should be added at the northeast corner of the property to demonstrate the proposed utility house connections can be constructed within a 12 feet wide right-of-way that already contains existing 60-inch diameter and 24-inch diameter storm drainage pipes in a Town of Orangetown easement. In particular, the construction of the new water service line adjacent to or above a municipal storm drainage pipe needs to be shown in more detail, including profiles.
4. As per the May 24, 2021 drainage review letter, line 6 of the drainage calculations should correct the description of the calculation that includes the height of the drywell.
5. Coordinate the dimensions of the drywell and stone in the drainage report with the drywell detail. Verify the six feet diameter drywell dimension is for the outside dimension of the drywell. Use the distance from the drywell invert to overflow invert as the effective depth.
6. Given the high percolation rate from the soil testing, evaluate the potential for groundwater seeps onto the neighboring property.

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

- The Village of Grand View-on-Hudson is one of the reasons this proposal was referred to Rockland County Department of Planning. The municipal boundary is along the eastern border of the 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.

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Continuation of Condition #16...

- 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.
- 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.

17. The Rockland County Department of Health requested that application is to be made to RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.

18. The Village of Grand View-on-Hudson reviewed the submitted information and offered the following comments:

- The drainage pipe under the proposed driveway is very close to the surface, the pipe washed out and was repaired by Orangetown DPW, but we are concerned that heavy equipment during construction may cause additional damage. We understand that Orangetown DPW has a similar concern. We suggest that heavy equipment at this location be prohibited.
- Water rushing down Bight Lane during Hurricane Ida and during prior heavy rainstorms created sink holes and other damage to properties in the Village. We ask that the drainage system required for this project be designed for these storms as regular occurrences. We also recommend that existing vegetation be preserved to the greatest extent possible and replaced in another location on site if removed.
- If any changes to the drainage system have been made since the Villages initial review, such as installation of an overflow from the drywells, we would like out engineer to review same. In addition, the drywells must be a minimum of 10 feet from the property line that borders the Village of Grand View-on-Hudson.

19. The New York State Department of Transportation review the submitted information and found that the project does not have direct impact to the

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:

- 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.

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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- 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.

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

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

Dated: October 13, 2021
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown



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**PB #21-55: Sparkill-Palisades Fire District Site Plan
Amendment to Filed Site Plan
Approved Subject to Conditions**

Permit #46585

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**TO: John Atzl, Atzl, Nasher & Zigler, 234 North Main Street, New
City, New York 10956**
FROM: Orangetown Planning Board

RE: Sparkill Fire District Amendment to Filed Plans: The application of Sparkill-Palisades Fire District, owner, for an Amendment to the Filed Plans/ Prepreliminary/ Preliminary/ Final Site Plan at a site known as "**Sparkill Fire District Amendment to Filed Plans**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 520 Route 340, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 78.05, Block 2, Lots 60 & 61 in the RG/R-15 zoning districts.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 13, 2021** the Board made the following determinations:

Ryan Nasher and Mike Yannazzone appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated October 6, 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 October 8 and September 27, 2021.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 7, 2021.
4. A letter from Atzl, Nasher & Zigler, dated October 11, 2021.
5. An email from Bruce Peters, DEME, responding to the submission of additional information from Atzl, Nasher & Zigler, dated October 11, 2021.
6. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated September 22, 2021.
7. Notices from the Town of Orangetown Zoning Board of Appeals, dated September 1, 2021.
8. Parking Striping Plan entitled Sparkill-Palisades Fire District, prepared by Atzl, Nasher & Zigler, P.C. Engineers – Surveyors- Planners, dated January 13, 2021, last revision date of March 10, 2021.
9. As-Built Landscape Plan prepared by Sendleski Architects, dated June 1, 2021.

Drawing 1: Existing Site

Drawing 2: Site Plan

Drawing 3: Grading Plan

Drawing 4: Erosion & Sediment Control Plan

Drawing 5: landscape & Lighting, dated October 7, 2017, revised
December 4, 2017.

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NASHER & ZIGLER

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10. Project Narrative prepared by Atzl, Nasher & Zigler, P.C. Engineers – Surveyors- Planners, dated July 1, 2021
11. A Short Environmental Assessment Form signed by John Atzl, dated July 1, 2021.
12. Copy of PB#18-08, Final Site Plan Approval Subject to Conditions, dated February 28, 2018.

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

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

REAFFIRMATION OF SEQRA

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Atzl, Nasher & Zigler, P.C. Engineers – Surveyors- Planners 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, 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;

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

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

ACABOR

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

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

DECISION: In view of the foregoing and the testimony before the Board, the application was **Granted an Amendment to the 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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3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m. Place this information as a note on the Site Plan

4. It appears that additional impervious coverage has been added in the north-west corner of the parking lot. Applicant must provide calculations to demonstrate the amount of new impervious coverage that has been added, and if the total amount of impervious coverage complies with the amount previously approved.

5. 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; including PB#18-08, Final Site Plan Subject to Conditions, dated February 28, 2018, ACABOR #17-56, Approved with Conditions, dated November 16, 2017, ZBA#17-72, Granted, dated October 4, 2017 and PB#17-41, Preliminary Site Plan Approval Subject to Conditions, dated July 26, 2017.

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

7. 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.

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

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

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Continuation of Condition #8...

- 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.

9. 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.

10. 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.

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

12. If the applicant, during the course of construction of any required public improvements or private sanitary or storm sewer improvements, encounters such conditions as flood areas, underground water, soft or silty areas, improper

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Continuation of Condition #12...

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

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

14. 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

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

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

Dated: October 13, 2021
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown



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TOWN CLERK'S OFFICE