

**Meeting of September 22, 2021  
Town of Orangetown Planning Board**

**MEMBERS PRESENT:** Thomas Warren, Chairman  
Stephen Sweeney  
Michael Mandel  
Bruce Bond, alternate  
Michael McCrory  
Robert Dell  
Andrew Andrews

**MEMBERS ABSENT:** None

**ALSO, PRESENT:** Jane Slavin, Director, Department of Building, Zoning, Planning Administration and Enforcement, Rick Pakola, Deputy Town Attorney; Ann Marie Ambrose, Stenographer and Cheryl Coopersmith, Chief Clerk Boards and Commissions

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

**25 Ramland Road Site Plan** PB#21-47  
**Request to Release the Performance Bond** Continued to  
25 Ramland Road, Orangeburg October 13, 2021  
73.20/1/26; LIO zoning district Meeting

**One Blue Hill Plaza Vehicle Storage Parking Plan** PB#21-48  
Prepreliminary/ Preliminary/ Final Site Plan Final Approval Subject to  
and SEQRA Review Conditions/ Neg. Dec.  
One Blue Hill Plaza, Pearl River  
73.05/1/54; OP zoning district

**1111 Route 9W Site Plan** PB#21-49  
Critical Environmental Area Final Site Plan  
Prepreliminary/ Preliminary/ Approval Subject  
Final (Pool) Site Plan and SEQRA Review to Conditions  
1111 Route 9W, Nyack Neg. Dec.  
71.05/2/20; R-22 zoning district

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

**Continued item from October 7, 2019:**  
**Bless Enterprises Auto Shop Site Plan** PB#19-65  
Final Site Plan Review Continued: Revise  
187 Route 303, Orangeburg Plan  
74.15/1/8; LI zoning district

**Continued item from July 31, 2019:**  
**Subaru Sign Location Plan** PB#19-48  
Prepreliminary/ Preliminary/ Final Site Plan Preliminary Site Plan  
and SEQRA Review Approval Subject to  
582 Route 303, Blauvelt Conditions/ Neg. Dec.  
70.14/4/12; CC zoning district

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**Other Business:**

**1. Town Board Referral:**

**TB Resolution #173; Gatto Lane Proposed Zone Change, Section 68.07, Block 2, Lot 2;** Review of Traffic Impact Study prepared by AKRF consultants. Provided comments to the Town Board.

**2. Orange Bank and Trust Sidewalks, Section 64.17, block 1, Lot 78;** The Board reviewed and approved a minor change to remove the side and rear sidewalk and replace with pavement.

**3. HKC 92Y & Camp 12 Trails Construction Window:** The applicant requested and the Board granted permission to apply for a Demolition Permit prior to stamping the Final Site Plans.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Bruce Bond and seconded by Stephen Sweeney and agreed to by all in attendance. The meeting was adjourned at 10:45 p.m. The next Planning Board meeting is scheduled for October 13, 2021.

**DATED: September 22, 2021**

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



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**PB #21-48: One Blue Hill Plaza  
Vehicle Storage Parking Plan  
Final Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Permit #48056**

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**TO: Elizabeth Bell, One Blue Hill Plaza, Pearl River, New York,  
10965**  
**FROM: Orangetown Planning Board**

**RE: One Blue Hill Plaza Vehicle Storage Parking Plan:** The application Liz Bell, applicant for Glorious Sun Blue Hill Plaza, owner, for Prepreliminary/ Preliminary/ Final Review at a site known as "**One Blue Hill Plaza Vehicle Storage Parking Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at One Blue Hill Plaza, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.05, Block 1, Lot 54 in the OP zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 22, 2021**, the Board made the following determinations:

**Elizabeth Bell and Brian Quinn appeared and testified before the Board.**

The Board received the following communications:

1. 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, RA, AIA, Director, dated August 31, 2021, with an attachment.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., September 3, 2021.
4. Letters from Rockland County Department of Planning signed by Douglas Schuetz, Acting Commissioner of Planning, dated July 12, 2021 and Michael Kezner, dated June 23, 2021.
5. Two emails from Orange and Rockland, from Alfred Gaddi, PE, dated June 14 & 17, 2021.
6. Letters from Rockland County Department of Highway, signed by Dyan Rajasingham, Engineer II, dated July 21, 2021.
7. Letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated August 13, 2021.
8. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector dated August 26, 2021.
9. Letters from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chair, dated June 23, 2021.

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10. Site Plans prepared by Kimmerle Newman Architects, dated September 3, 2020, drawing A-1, Parking Plan.
11. A Short Environmental Assessment Form signed by Paul Chan, dated July 29, 2020.
12. A Project Narrative.

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

**Public Comment:**

Salvatore Loccisano, 264 North Middletown Road, Pearl River; wanted to know how often cars will be coming in and out of the site and if there would be construction on the site.

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

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

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and

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

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

On motion by Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, aye; Andrew Andrews, aye; Bruce Bond, aye and Robert Dell, nay, 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 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. Move the rear H60 parking spaces to H33 front parking and show the 200-foot buffer line.
4. Note the map revision dates on the plan.
5. On August 18, 2020, the Town of Orangetown Town Board passed local law No. 5-2020 to permit the temporary outdoor storage of vehicles. Per the Local Law, 4.32 (Q) (a) and (a), the applicant must provide the following:
  - a) Plan shall clearly delineate the parking areas to be dedicated to the storage of the new wholesale vehicles with total count indicated.
  - b) Parking calculations must be provided.
6. All vehicles to be parked in marked spaces only. This will allow for the free movement of Fire Apparatus.
7. The limit of 1,000 total vehicles seems to be exceeded by the proposed/ revised private parking agreement.
8. Rockland County Department of Planning determined that since the proposed project will have no adverse impact on any County-wide interests, this matter is remanded for local determination.
9. 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.
10. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
  - Rockland County Planning Department
  - Rockland County Sewer District #1
  - Rockland County Highway Department
  - Town of Orangetown Zoning Board of Appeals

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

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

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

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

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

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

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

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

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

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**PB #21-48: One Blue Hill Plaza  
Vehicle Storage Parking Plan  
Final Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Permit #48056**

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**21. 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 Michael Mandel and carried as follows: Thomas Warren – Chairman, aye; Andrew Andrews, aye; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, aye; Bruce Bond, aye and Robert Dell, 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: September 22, 2021  
Cheryl Coopersmith  
Chief Clerk Boards and Commissions  
Town of Orangetown  
attachment**



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

**PB #21-48: One Blue Hill Plaza  
Vehicle Storage Parking Plan  
Final Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

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

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

**NAME OF ACTION: One Blue Hill Plaza Vehicle Storage Parking Plan  
Final Site Plan Approval Subject to Conditions/ Neg. Dec.**

SEQR STATUS: Type I \_\_\_\_\_ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX

**DESCRIPTION OF ACTION: Final Site Plan Review**

**LOCATION:** The site is located at One Blue Hill Plaza, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.05, Block 1, Lot 54 in the OP zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

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

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**PB #21-49: 1111 Route 9W Site Plan  
Critical Environmental Area  
Final Site Plan Approval Subject  
to Conditions/ Neg. Dec.**

**Permit # 51019**

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**TO: Katie Anders, Cool Pool, 85 Pascack Road, Nanuet, New York  
109540**  
**FROM: Orangetown Planning Board**

**RE: 1111 Route 9W Site Plan:** The application of Cool Pool/Katie Anders, for Lily Bellow, owner for Prepreliminary/ Preliminary/ Final Site Plan Review at a site located in the Critical Environmental Area, at a site to be known as "1111 Route 9W Site Plan", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 1111 Route 9W, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 2, Lot 20 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 22, 2021**, the Board made the following determinations:

Katie Anders and Paul Gdanski appeared and testified.

The Board received the following communications:

1. 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, AIA, Director, dated August 31, 2021.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 3, 2021.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated August 26, 2021.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated September 21, 2021.
6. Letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated August 4, 2021.
7. Letters from the Rockland County Department of Health, signed by Elizabeth Mello, P.E., dated July 28, 2021.
8. Letters from the Rockland County Highway Department, signed by Dyan Rajasingham, P.E., dated July 26, 2021.

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9. Letter from Rockland County Sewer District, signed by Joseph LaFiandra, Engineer II, dated August 16, 2021.
10. Email from Orange & Rockland from Alfred Gaddi, PE, dated July 19, 2021.
11. Letters from the Town of Orangetown Zoning Board of Appeals signed by Dan Sullivan, dated July 21, 2021.
12. A Short Environmental Assessment Form, signed by Katie Anders, dated January 26, 2021.
13. Plans prepared by Paul Gdanski, PE, dated June 5, 2021, last revised June 12, 2021:
  - 1 of 2: Plot Plan for Bellow
  - 2 of 2: Details
14. Project Narrative prepared by Katie Anders, Cool Pools, dated January 29, 2021, with color renderings of the pool.
15. Hydraulic Analysis and Stormwater Design Calculations prepared by Paul Gdanski, dated June 3, 2021.
16. Building Permit Referral dated January 20, 2021 signed by Rick Oliver, Building Inspector.

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

There being no one from the Public, a motion was made to close the Public Hearing portion of the meeting by Michael Mandel and seconded by 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 proposed action is classified as an "unlisted action" as defined by Section 617.2 (a) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Stephen Sweeney and seconded by 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 the Board declared itself Lead Agency.

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

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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Paul Gdanski, PE, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Highway Department, Rockland County Health, Rockland County Sewer District No. 1, 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;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

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

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**PB #21-49: 1111 Route 9W Site Plan  
Critical Environmental Area  
Final Site Plan Approval Subject  
to Conditions/ Neg. Dec.**

**Permit # 51019**

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The plan shall include a silt fence dimensioned 5 feet out from the northly property line.
4. The applicant must advise as to how they intend to meet the New York State Code for Barrier Requirements. All swimming pools must be provided with a barrier which completely surrounds the swimming pool and obstructs access to the swimming pool. The barrier must be at least 4 feet high and must satisfy the specific requirements found in the Code.
5. Item Number 2 of the Short Environmental Assessment Form shall be "Yes" and Building Permit shall be indicated.
6. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained and the Final Site Plan is stamped by the Chief Clerk to the Board.
7. The drainage calculations submitted are under review by DEME, however, soil borings, perc tests and determination of ground water elevations shall be performed at the subsurface detention system location. These tests shall be performed **PRIOR** to this proposal receiving **Final Approval** to ensure the adequacy of the proposed design. The tests shall be performed in the fall or spring when the ground water table is typically at its highest.

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8. The drawings and calculations shall demonstrate (give all proposed pipe inverts, sizes, material, slopes) how all proposed increased impervious areas will drain to the proposed subsurface detention system.
9. Profiles for all proposed drainage piping/ facilities shall be added to the plans.
10. An overflow shall be designed and depicted for the proposed drywell system, including a level spreader or equal energy dissipating device.
11. The rim, invert, bottom and stone bed elevations listed for the proposed drywell on drawing 1, differ from the elevations given on the detail on drawing 2. The drawings shall be coordinated.
12. A detail for the proposed straw bale dike shall be added to the plans.
13. The sanitary connection to the existing septic system shall be shown on the plan.
14. Note #18 indicates that the datum for the contours is Washington Street, the note shall clarify which Washington Street as none are close to the site. Also, the elevation for the referenced benchmark shall be added to the note.
15. A post construction stormwater maintenance agreement, in accordance with NYSDEC Phase II regulations, for the existing and proposed seepage pits/ drywells, overflow pipes and level spreaders 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.
16. **Drainage Review Recommendation – Brooker Engineering**  
The application has provided sufficient information to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated. Brooker Engineering, the Planning Board Drainage Consultant, therefore recommends that the 1111 Route 9W Site Plan be approved for drainage subject to the following Project Comments.

**Project Description**

This is the first drainage review report for this project. The project consists of the construction of a new swimming pool north of the existing single-family residential structure. New impervious area of 1,118 SF will be added to the site; stormwater mitigation has been provided via a drywell system. Stormwater runoff flows downhill to the east and is intercepted by the swale on the west side of the trail along the old railroad grade.

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**Continuation of Condition #16...**

1. The drainage calculations are based on a weighted curve number over an area of 5,833 SF. Provide a drainage area map that shows the drainage area that will be intercepted by the slot drain and conveyed to the detention system and verify the use of 5,833 SF as the drainage area. Provide calculations for both the weighted curve number of the area conveyed to the detention basin, and the directly connected impervious area directed to the basin.
2. Provide a swale on the west side of the pool that directs stormwater runoff from Route 9W around the pool.
3. Show the dimension of the full depth of the drywell on the Drywell Detail. Coordinate the elevations of the drywell from the grading plan with the Drywell Detail.
4. Label the overflow path from the drywell on the Site Plan. It appears overflows from the drywell will leave via the rim of the drywell; however, this may surcharge the slot drain rim and inundate the pool.
5. Show the width of the slot drain on the Slot Drain Detail.
6. The proposed slot drain appears to be around all four edges of the pool; please label this for clarity. The labels for the proposed pool fence and slot drain point to the same item; the fence location should be reviewed and clarified.
7. Verify the six feet inside diameter of the drywell.
8. Clarify of the existing retaining wall just west of the new pool is to remain. If a new wall is proposed, provide top and bottom of wall elevations.

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

- A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.
- Since the parcel is located in a Critical Environmental Area, a review shall be completed by the New York State Department of Environmental Conservation and all required permits obtained.
- The Village of Grand View-on-Hudson is one of the reasons this proposal was referred to this department for review. The municipal boundary of Grand View -on-Hudson is along the eastern property line on the site. As required under Section 239nn of the State General Municipal Law, the Village must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Town of Orangetown.
- 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.

18. Application is to be made to the Rockland County Department of Health for review of the stormwater management system for compliance with the County Mosquito Code.

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

**20.** The existing gas service enters the house on the north side. The proposed work may be in conflict with the existing service. Please contact Orange & Rockland Utilities new business for all disconnects, reconnects and load increases. All code 753 rules must be followed.

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

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

**22.** 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.

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

**24. 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.

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**Continuation of Condition #24...**

- 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.

**25.** 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.

**26.** 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.

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

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

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

30. 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

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

32. 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 Stephen Sweeney 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: September 22, 2021  
Cheryl Coopersmith  
Chief Clerk Boards and Commissions  
Town of Orangetown**  
attachment



TOWN CLERK'S OFFICE  
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**NEGATIVE DECLARATION  
Notice of Determination of Non-Significance  
Town of Orangetown Planning Board Decision**

**PB #21-49: 1111 Route 9W Site Plan  
Critical Environmental Area  
Final Site Plan Approval Subject  
to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
September 22, 2021**

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

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

**NAME OF ACTION: 1111 Route 9W Site Plan – Critical Environmental Area**  
SEQR STATUS: Type I \_\_\_\_\_ Unlisted XXXXXX  
CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX

**DESCRIPTION OF ACTION: Final Site Plan Review – Critical Environmental Area**

**LOCATION:** The site is located at 1111 Route 9W, Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 75.05, Block 1, Lot 4 in the R-22 zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

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

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**PB #19-48: Bill Kolb Jr. Subaru Sign Location Plan  
Preliminary Sign Location Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Permit #48056**

**Town of Orangetown Planning Board Decision  
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**TO: Dwight Joyce, 2 Joyce Plaza, Stony Point, New York  
FROM: Orangetown Planning Board**

**RE: Bill Kolb Jr. Subaru Sign Location Plan:** The application of Bill Kolb Subaru, applicant for Prime Automotive Group, owner, for a Prepreliminary/ Preliminary/ Final Sign Location Plan Review at a site known as "**Bill Kolb Jr. Subaru Sign Location Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 582 Route 303, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.14, Block 4, Lot 12; in the CC zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, July 31, 2019 and September 22, 2021**, the Board made the following determinations:

**July 31, 2019**

Donald Brenner and Joe Minns appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 24, 2019.
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 July 26, 2019.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 23, 2019.
4. Letters from Rockland County Department of Planning, signed by, Douglas Schuetz, Acting Commissioner of Planning, dated July 18, 2019 and from Michael Kezner, dated July 17, 2019.
5. Letters from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated July 30, 2019.
6. Letter from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated July 9, 2019.
7. Letter from Rockland County Sewer District No. 1, signed by
8. Short Environmental Assessment Form signed by Donald Brenner, dated June 9, 2019.

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9. Letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated July 10, 2019.
10. Drainage and Grading Plan prepared by Jay Greenwell, PLS, dated June 7, 2018, last revision date of November 9, 2019.
11. Sign Drawings prepared by Philadelphia Sign, dated February 15, 2018, last revised March 14, 2018:
  - Sign Inventory and Location Plan
  - East Elevation
  - Letter Cross Section and Logo
  - Letter Cross Section and Channel Letter Dimensions
  - Pole Front Elevation, Side View and Base Plate Detail
  - Pole Front View, Side View and Base Plate
12. Copy of PB#17-52, Amendment to Final Site Plan Approval subject to Conditions and Conditional Use Permit Granted, dated September 27, 2017.
13. Building Permit Referral dated September 4, 2018, prepared by Rick Oliver, Building Inspector.

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

The applicant requested a **CONTINUATION**.

**September 22, 2021**

Dwight Joyce appeared and testified.

The Board received the following communications:

1. 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 September 17, 2021.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 3, 2021.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated August 26, 2021.
5. Letter from Rockland County Department of Planning, signed by, Douglas Schuetz, Acting Commissioner of Planning, dated July 15, 2021.

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6. Email from Orange & Rockland Utilities from Alfred Gaddi, PE, dated June 29, 2021.
7. Notice from Rockland County Department of Highways, dated July 21, 2021.
8. Notice from Rockland County Health Department, dated July 28, 2021.
9. Sign Location Plan prepared by Atzl, Nasher & Zigler, dated February 10, 2021, last revised March 12 2021.
10. Letter from Dwight Joyce, applicant, dated June 8, 2021.
11. A Short Environmental Assessment Form dated September 3, 2021, signed by Dwight Joyce.

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

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

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

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

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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Highway Department, Rockland County Department of Planning, Rockland County Sewer District #1, and having reviewed the drawings presented by the applicant's professional consultant; a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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On motion by Bruce Bond and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; Andrew Andrews, aye; Michael Mandel, aye; Michael McCrory, aye; Robert Dell, aye; Stephen Sweeney, aye, and 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 **Preliminary Site Plan Approval Subject to the Following Conditions:**

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

2. 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.

3. Change the words on the sign by the curb cut that now states "Service and Parts" to "Entrance".

4. The following variances need to be sought from the Town of Orangetown Zoning Board of Appeals:

Chapter 43, Table 3.11, use regulations CC District, Column 5 General Accessory Uses:

a) Number 3, "Business signs with total sign area per establishment not to exceed 15% of the sign wall area, and in no event more than 40 square feet." Total sign area proposed is 175.1 square feet.

b) Number 4 (D) "sign not attached to a building shall be set back at least 25 feet from the front lot line". Proposed setback on route 303 is 1 foot and 7 feet is proposed on Erie Street.

Chapter 43, Article XIII, Route 303 Overlay District, section 13.10, B (4), "Signage.... shall not be permitted..... within the twenty-five-foot vegetated buffer adjacent to such right-of-way line...25' setback required with 1-foot setback proposed.

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5. The application shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
6. The following items must be completed on the Short Environmental Assessment Form: Number 3, a, b, c; Number 5, b; Number 13, b; and Number 14.
7. It is unclear from the plan submitted as to why 2 signs are needed at the driveway entrance along Route 303, considering left turns are not allowed into the site from customers heading north on Route 303.
8. Orange and Rockland Utilities reviewed the information and offered the following comment: O & R's gas service feeds the property from Route 303 (east side of building). The proposed sign may be in conflict with the existing service. Please contact O & R's new business department for all terminations and reconnects. All code 753 rules must be followed.
9. The Rockland County Health Department (RCDOH) offered the following comment:
  - As the drainage proposal can be amended since the previous approval, a revised application is to be submitted to RCDOH for review of the system for compliance with the County Mosquito Code.
10. The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.
11. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
  - Rockland County Health Department
  - Rockland County Sewer District #1
  - Town of Orangetown Zoning Board of Appeals
  - Rockland County Department of Highways
  - Rockland County Department of Planning
12. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans and Board Decisions prior to signing the final plans.
13. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.

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**14.** 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.

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

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

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

**18.** If the applicant, during the course of construction of any required public improvements or private sanitary or storm sewer improvements, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant (or the applicant's engineer) shall submit their recommendations as to the special treatment or design modification to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's (applicant's engineer's) recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's (applicant's engineer's) disagreement with the decision of DEME, or in the event of a significant change resulting to the Resubdivision 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).

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

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

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

**Override**

The Board made a motion to override the letter dated July 15, 2021 from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

"1. The Town's zoning standards are reasonable and must be followed. Section 3.11 permits signs that do not exceed 15% of the sign wall area, and in no event are greater than 40 SF for the total area, as a general accessory use in the CC zoning district. For illuminated signs, the total sign area is not to exceed 30 SF. All signs and proposed to be illuminated. Three of the proposed signs (no. 6, 7 and 8) are each approximately 50.9 SF, and the total square footage is over 254 SF, or 535% greater than permitted for total sign area, and 747% over what is permitted for illuminated sign area. In addition, signs not attached to a building must be set back at least 25 feet from the front line. The two monument signs are proposed only one foot from the property line and the free-standing pylon sign only seven feet. These oversized signs can create sight distance issues that will have an adverse effect on the safe and efficient flow of traffic along the State highway. The approval of the size and location of these signs can set a precedent and encourage nearby commercial uses along the State highway to request similar exemptions. The signs must be reduced in size and located farther from the property line in order to more closely comply with the Town Code. If your Board finds there is a pattern of requests for signs that will require variances, and that some rationale exists for lessening the Town's standards, we suggest a recommendation be made to the Town Board to revise the sign standards on parcels that front high-volume traffic corridors.

2. As per Section 13.10B(4), "...signage...shall not be permitted on the right of way line that forms Route 303 or within the twenty-five-foot vegetated buffer adjacent to such right of way line...signs No 6 and 8 are proposed within the 25-foot vegetated buffer and must be relocated to comply with this condition.

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3. As per their letter of July 30, 2019, application is to be made to the Rockland County Department of Health for review to ensure compliance with the County Mosquito code.
4. A review must be completed by the New York State Department of Transportation and comments or concerns addressed and all required permit obtained.
5. The proposed plans shall comply with all other conditions of the Route 303 Overlay Zone to the extent applicable.
6. We request the opportunity to review any variance that may be needed to implement the proposed sign location plan, as required by New York General Municipal Law, Section 239-m (3)(a)(v)."

The Board held that the signs are located at the proposed locations due to existing obstructions such as a bus stop, telephone pole, fire hydrant and curbs. The Board also held that the building is set back a distance from the property line and it is difficult to see the building.

A motion to override the condition was made and moved by Andrew Andrews and seconded by Bruce Bond and carried as follows: Thomas Warren - Chairman, aye; Andrew Andrews, aye; Michael Mandel, aye; Michael McCrory, aye; Robert Dell, aye; Stephen Sweeney, aye, and Bruce Bond, aye.

The foregoing Resolution was made and moved by Bruce Bond and seconded by Blythe Yost and carried as follows: Thomas Warren - Chairman, aye; Michael Mandel, aye; Michael McCrory, nay; Robert Dell, nay; Stephen Sweeney, aye, Andrew Andrews, 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: September 22, 2021  
Cheryl Coopersmith  
Chief Clerk Boards and Commissions  
Town of Orangetown**



TOWN OF ORANGETOWN  
2021 OCT 14 P 2:12  
TOWN CLERK'S OFFICE

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

**PB #19-48: Bill Kolb Jr. Subaru Sign Location Plan      Permit #48056  
Preliminary Sign Location Site Plan Approval  
Subject to Conditions/ Neg. Dec.  
September 22, 2021**

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

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

**NAME OF ACTION: Bill Kolb Jr. Subaru Sign Location Plan  
Preliminary Sign Location Site Plan Approval**

SEQR STATUS: Type I \_\_\_\_\_ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX

**DESCRIPTION OF ACTION: Sign Location Plan Review**

**LOCATION:** The site is located at 582 Route 303, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.14, Block 4, Lot 12; in the CC zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

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

TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Referral to the Town Board  
September 22, 2021**

**TO: Town of Orangetown Town Board**  
**FROM: Orangetown Planning Board**  
**RE: Gatto Lane Zone Change and Traffic Study**  
**DATE: September 22, 2021**

Town Board Resolution #173, dated April 27, 2021 requested the Planning Board to review a Zone Change Petition and contract with a professional planner to review a Traffic Impact Study submitted by the applicant for property located on Gatto Lane in Pearl River, Section 68.20, Block 1, Lot 1.

**Background:** The applicant submitted a petition to the Town Board for a zone change for the proposed development of a now undeveloped lot located in the R-40 zoning district for a new senior living townhome development. The petition is for a zone change from R-40 to R-15 and an overlay of the PAC floating zone. Proposed are 40 single-family attached townhouses within eleven (11) separated buildings, consisting of (36) two-bedroom units and (4) three-bedroom units.

The Board contracted with AKRF to review the traffic study prepared by Hardesty & Hanover, dated May 2021. See attached AKRF memorandum to the Planning Board dated July 26, 2021. The Concept Plan and Traffic Studies were circulated internally for comments, see attached referral memorandums.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 22, 2021**, the Board made the following recommendations:

1. In reviewing the submitted AKRF Traffic Impact Study and the referral letters to the Planning Board, it is premature to allow a zone change since the submitted PAC Conceptual Zone Layout Plan is not sufficient to review.
2. An access roadway to the site egresses through the Town of Ramapo, and a review of the site and the proposed development should be obtained by Ramapo.
3. The Board held that the proposed site as presented is overdeveloped and the cost of the proposed housing is too expensive.
4. The proposal of a PAC Zone designation for the site is overdevelopment, however, a zone change from R-40 to R-15 may be acceptable. The Board would rather see single family housing on the site.
5. Gatto Lane at the present time is too narrow and needs to be improved to handle the increase in traffic that would be created from the 40 additional housing units from the development.
6. The zone change is not harmonious with the surrounding neighborhood and would impact the neighbors.
7. A PAC zone usually includes amenities such as a pool, club house, however, this proposal does not include any amenities.

TOWN OF ORANGETOWN  
2021 OCT 14 P 2:12  
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