

**TOWN OF ORANGETOWN PLANNING BOARD**  
**Meeting of Wednesday, April 13, 2022**

**MEMBERS PRESENT:**

Michael Mandel, Vice Chairman  
Stephen Sweeney                      Andrew Andrews  
Denise Lenihan                      Kevin Farry  
Michael McCrory

**MEMBER ABSENT:** Thomas Warren, Chairman and Lisa DeFeciani (alternate)

**ALSO, PRESENT:** Jane Slavin, Director, Office of Building, Zoning, Planning Administration and Enforcement; Rick Pakola, Deputy Town Attorney; Ann Marie Ambrose, Stenographer, and Katlyn Bettmann, Senior Clerk Typist.

Michael Mandel, Vice-Chairman called the meeting to order at 7:30 p.m. Mr. Mandel 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:**

<b>Safe N Sound Site Plan</b>	<b>PB #20-13</b>
Prepreliminary/Preliminary/ Final Site Plan and SEQRA 249 N. Middletown Road, Pearl River 68.12/3/27; CO zoning district	<b>Preliminary Site Plan Approval Subject to Conditions/ neg. Dec.</b>

**New Items:**

<b>SQ Properties Site Plan</b>	<b>PB#22-14</b>
Final Site Plan Review 8 Olympic Drive, Orangeburg 73.15/1/16; LIO zoning district	<b>Final Site Plan Approval Subject to Conditions</b>

<b>ASCAPE Landscaping Resubdivision Plan</b>	<b>PB #22-15</b>
Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review 634-638 Route 303, Blauvelt 65.14/1/2 & 4; LI zoning district	<b>POSTPONED by Applicant</b>

<b>867 Route 9W Site Plan</b>	<b>PB #22-16</b>
Critical Environmental Area Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review 867 Route 9W, Upper Grandview 75.05/1/6; R-22 zoning district	<b>Continuation: Revise Plans</b>

<b>WPT Acquisitions Resubdivision Plan</b>	<b>PB#22-17</b>
Prepreliminary/ Preliminary/ Final Resubdivision Plan and SEQRA Review 518 Route 303 & 13 and 21 Mountainview Ave, Orangeburg 74.07/1/2, 33 & 36; CC, LI,LO zoning districts	<b>Continuation: Revise Plans Traffic Study to be completed by Board selected Consultant</b>

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**WPT Acquisitions Site Plan**  
Prepreliminary/ Preliminary Site Plan  
and SEQRA Review  
518 Route 303 & 13 and  
21 Mountainview Ave, Orangeburg  
74.07/1/2, 33 & 36; CC, LI,LO zoning districts

**PB#22-18**

**Continuation:  
Revise Plans  
Traffic Study  
to be completed  
by Board selected  
Consultant**

The decisions of the March 23, 2022 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Stephen Sweeney and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, aye; Michael Mandel, aye; Stephen Sweeney, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, (alternate member), absent and Andrew Andrews, aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Stephen Sweeney and seconded by Andrew Andrews and agreed to by all in attendance. The meeting was adjourned at 11:15 p.m. The next Planning Board meeting is scheduled for April 27, 2022.



**DATED: April 13, 2022**

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**PB #20-13: Safe N Sound Child Care Site Plan  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #49227**

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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 Prepreliminary/ Preliminary Site Plan Review at a site to be known as "Safe N Sound 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 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 meetings held Wednesday, February 26, 2020, July 28, 2021 (Consultation) and April 13, 2022 at which time the Board made the following determination:**

**February 26, 2020**

Donald Brenner, Jay Greenwell, Sean Quinn, Geraldine Josephson and Blythe Yost appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated February 21, 2020.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, RA, Director, dated February 26, 2020.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated February 24, 2020.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated February 26, 2020.
5. Letters from Rockland County Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated February 5, 2020 and Michael Kezner, dated January 24, 2020.
6. Letters from the Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated February 5 & 6, 2020.
7. A letter from Rockland County Sewer District No.1, signed by Joseph LaFiandra, Engineer II, dated February 21, 2020.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chairman, dated January 22, 2020.

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9. Site Plans prepared by Jay Greenwell, PLS and Civil Design Works, Glenn McCreedy, P.E.:

- Sheet 1: Site Development Plan, dated March 8, 2019,
- Sheet 2: Grading, Drainage and Utility Plan, dated July 29, 2019; revised January 10, 2020
- Sheet 3: Tree Removal & Erosion Control Plan, dated July 29, 2019
- Sheet 4: Detail Sheet, dated July 29, 2019
- Sheet 5: Storm Trap Detail Sheet, dated September 17, 2019
- Sheet 6: 200-foot Radius Exhibit, dated December 4, 2019

10. Plans prepared Yost Design Landscape

- CP-101: Landscape Conceptual Plan, dated August 16, 2019, revised December 13, 2019
- L-601: Lighting Plan, dated August 16, 2019

11. Architectural Plans prepared by D & B Architects, dated January 10, 2020:

- A-200: East and South Elevations
- A-201: West and North Elevations

12. A Short Environmental Assessment Form, dated September 12, 2019, signed by Donald Brenner.

13. A Drainage Analysis of Safe 'N' Sound Child Care, prepared by Glenn McCreedy, P.E., dated August, 2019.

14. A copy of the Building Permit Referral prepared by Rick Oliver, Deputy Building Inspector, dated August 16, 2019.

The Board reviewed the plans.

**Public Comments:**

Helen Telesmanic, 132 Neptune Drive, Monroe, New York; noted that she had lived in Pearl River, and has worked for 9 years at Safe N Sound. She is now the Director of Infant Care. Ms Telesmanic held that the program gives joy and education to the children, however, the facilities are old and need an upgrade.

Bridget Georgakopoolus, 53 East Lewis Avenue, raised concerns regarding access of buses and cars onto Lewis Avenue.

Heather Hurley, 202 Hobart Street, noted that she spoke with someone living on Lewis Avenue who is not happy. She spoke about the location of the proposed driveway access and impact of the development to the neighborhood. She requested that a Traffic Study be conducted to review the increased traffic to the area. Ms Hurley held that the same situation occurred on Forest Avenue with the development of the 7-11 store. She pointed out issues with the submitted EAF that need to be revised. Lastly, Ms Hurley requesting information on the proposed landscaping and chain link fence.

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Christine Orfanoudakis, 129 East Lewis Avenue' raised concerns regarding the Increase in traffic and all of the children playing in the street and dog walkers. She wanted information regarding the number of busses to the site as the result of the new development. Ms Orfanoudakis noted that there will be an increase in noise, air quality during construction, drainage to the area and property values. The applicant wants to place a commercial driveway on a residential street.

Christine Hammessy, Pearl River resident, wanted to know if applicant was a school or daycare. She raised concerns regarding the children in the neighborhood and timing of when the busses will be coming and leaving the site. Also, the dumpster is near her house and wanted it placed in another location.

Maryjoe Callahan, 11 East Lewis Avenue; had issues with the entrance and exit on Lewis Avenue. She raised concern that if the new site will double in the number of children attending, the traffic will be increase. Ms Callahan requested a traffic study to be done.

John Balison, P.E., noted that he was involved in a sidewalk study of Middletown Road. He raised concerns regarding he number of available parking spaces on site and circulation through the property. Mr. Balison noted that there would probably two hours in the morning and evening when the traffic would increase. Currently, it is difficult to make a left out of Lewis Avenue and the proposal have a primary access point on Lewis would be difficult. Also, he noted that as the site plan presently reads, it would be difficult to have a turn around on the site.

Chris Sweeney, Hobart Street; main concern was the driveway access onto Lewis Avenue.

Renie Spadaccini, 168 East Lewis Avenue; the traffic from the proposed exist/entrance on Lewis is near her property and there are a ton of children on the street, this is a dangerous situation.

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, absent; William Young- Vice Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye, Michael McCrory, aye, Robert Dell, aye; Stephen Sweeney, aye, and Bruce Bond, aye.

The applicant requested a **CONTINUATION**.

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**July 28, 2021 (Consultation)**

Donald Brenner, Jay Greenwell, Sean Quinn, Geraldine Josephson and Blythe Yost appeared and testified for the applicant.  
AKRF Consultant Elene Du.

The Board received the following communications:

1. A Project Review Committee Report dated July 21, 2021.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, RA, Director, dated July 28, 2021.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated July 23, 2021.
4. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated July 14, 2021.
5. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated July 27, 2021.
6. Letter from Rockland County Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated June 16, 2021.
7. Letter from the Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated June 15, 2021.
8. Letter from the Rockland County Department of Heath, signed by Elizabeth Mello, PE, dated July 7, 2021.
9. Email from Orange & Rockland Utilities from Alfred Gaddi, PE, dated June 2, 2020.
10. Traffic Study prepared by Maser Consulting, dated March 16 and July 20, 2021.
11. A Traffic Impact Study Review and letter prepared by the Planning Board Traffic Consultant, AKRF, dated July 14 & 28, 2021.
12. A Response to Comments to AKRF from Maser Consulting (Colliers Engineering & Design) dated July 20, 2021, attachment of a site plan prepared by Jay Greenwell, PLS, entitled "Vehicle Turning Movements", dated February 6, 2020, revised July 20, 2021.
13. Letter from Kimberly & Mark Rooney, 49 North William Street, Pearl River, dated July 20, 2021.
14. Email from Christina & Brian Hennessy, dated July 23, 2021.

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15. Site Plans prepared by Jay Greenwell, PLS and Civil Design Works, Glenn McCreedy, P.E.:

- Sheet 1: Site Development Plan, dated March 8, 2019, last revised April 3, 2021
- Sheet 2: Grading, Drainage and Utility Plan, dated July 29, 2019; revised April 3, 2021
- Sheet 3: Tree Removal & Erosion Control Plan, dated July 29, 2019, last revised April 3, 2021
- Sheet 4: Detail Sheet, dated July 29, 2019, last revised April 3, 2021
- Sheet 5: Storm Trap Detail Sheet, dated September 17, 2019
- Sheet 6: 200-foot Radius Exhibit, dated December 4, 2019, last revised April 3, 2021

16. Plans prepared Yost Design Landscape

- CP-101:Landscape Conceptual Plan, dated August 16, 2019, last revised April 28, 2021
- L-601: Lighting Plan, dated August 16, 2019, last revised April 28, 2021

17. Architectural Plans prepared by D & B Architects, dated January 10, 2020:

- A-200: East and South Elevations
- A-201: West and North Elevations

AKRF consultant, Elene Du, presented its findings on the Traffic Report, prepared by Colliers Engineering.

The Board reviewed the plans.

**Public Comments:**

Dan Rogawski, 146 East Lewis Ave., raised concerns regarding additional cars using Lewis Avenue, requested that the roadway have speed bumps.

Bruce Fox, 180 East Lewis Ave., expressed concerns regarding cars racing down the street.

Paul Crow, 50 East Lewis Avenue, noted that traffic in Pearl River has increased and that Lewis Avenue has become a through street. He raised concerns regarding Fire Truck safety.

Paul Spadacci, 168 Lewis Ave., noted the road is currently like a speedway and placing an additional access will be a problem.

Mary Jo Callahan, 11 East Lewis Ave., noted her children ride their bikes on Lewis Avenue. She wanted to know when the traffic study was done. In addition, she raised concerns that the small roadway will be overburden.

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John Ballison, 2 Glenn Court, a PE, designed the Pearl River Pedestrian Access Study, noted the following issues: the traffic study relies on assumptions, the study disregards use of the for after school programs, the trip generation is not correct, the study was done during the pandemic and looks at the roadway intersections in a vacuum.

Christian Orfanoudakis, 129 East Lewis Ave., noted that East Lewis is a cut through road and cars speed creating dangerous situation. She wanted to know if the maximum enrollment would be 128 children or will the student population grow.

The applicant requested a **CONTINUATION**

**April 13, 2022**

Board Member Denise Lenihan recused from this item.

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 March 30, 2022.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, RA, Director, dated April 11, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated April 8, 2022.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated March 22, 2022.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated April 11, 2022.
6. Letter from Rockland County Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated March 16, 2022.
7. Letter from the Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated June 15, 2021.
8. Letter from the Rockland County Department of Heath, signed by Elizabeth Mello, PE, dated March 15, 2022.
9. Email from Orange and Rockland Utilities, from Alfred Gaddi, PE, dated February 24, 2022.
10. Site Plans prepared by Jay Greenwell, PLS, dated January 5, 2022:
  - Sheet 1: Site Development Plan
  - Sheet 2: Grading, Drainage and Utility Plan
  - Sheet 3: Tree Removal & Erosion Control and Limit of Disturbance
  - Sheet 4: Detail Sheet
  - Sheet 5: Storm Trap Detail Sheet
  - Sheet 6: 200-foot Radius Exhibit

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11. Plans prepared Yost Design Landscape, dated April 28, 2021, last revised January 25, 2022:
  - L-701: Conceptual Planting Plan
  - L-601: Lighting Plan
12. A copy of the Building Permit Referral prepared by Rick Oliver, Deputy Building Inspector, dated August 16, 2019.
13. Drainage Analysis prepared by Civil Design Works, dated February, 2022. The Board reviewed the plans. The hearing was then opened to the Public.

A motion was made to open the Public comment portion of the hearing by Andrew Andrews and second by Michael McCrory and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, recused; Michael Mandel- Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Lisa DeFeciani, (alternate member) absent; Michael McCrory, aye; and Andrew Andrews, aye.

**Public Comments:**

Christina Orfanoudakis, 129 East Lewis Ave., raised concerns regarding the drainage of the site, flooding and sewage. She questioned the results of the traffic study.

Vincent Pondero, 93 East Lewis Ave., raised concerns regarding the firetrucks on a narrow road.

Jeanette Considine, 8 Charles Street, expressed concerns regarding the play area, if it was porous and drainage of the site.

Juan Derarta, 130 East Carol Street, raised concerns regarding traffic.

A motion was made to close the Public comment portion of the hearing by Andrew Andrews and second by Michael McCrory and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, recused; Michael Mandel- Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Lisa DeFeciani, (alternate member) absent; Michael McCrory, aye; and Andrew Andrews, aye.

A motion was reopen the Public comment portion of the hearing by Michael McCrory and second by Andrew Andrews and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, recused; Michael Mandel- Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Lisa DeFeciani, (alternate member) absent; Michael McCrory, aye; and Andrew Andrews, aye.

A motion was made to close the Public comment portion of the hearing by Kevin Farry and second by Stephen Sweeney and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, recused; Michael Mandel- Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Lisa DeFeciani, (alternate member) absent; Michael McCrory, aye; and Andrew Andrews, aye.

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**SEQRA**

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

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

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

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

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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 Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

On motion by Michael McCrory and second by Andrew Andrews and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, recused; Michael Mandel- Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Lisa DeFeciani, (alternate member) absent; Michael McCrory, aye; and Andrew Andrews, aye, the Board made a Negative Declaration pursuant to SEQRA.

**DECISION:** In view of the foregoing and the testimony before the Board, the application was granted **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."

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2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.
4. The site plan shall be revised to include additional landscape screening along Lewis Avenue.
5. A Carabiner shall be placed on the chain that will block the entrance to the site on Lewis Avenue.
6. The applicant shall request a Special Permit with the Planning Board Final Site Plan review application.
7. A fire hydrant shall be placed on East Lewis Avenue near emergency access. East Lewis Avenue access will be used for emergency vehicles only.
8. Previous application narrative stated that the proposed building occupancy was for 36 staff and 128 children and the previous site plan stated 24 staff and 158 children, and ZBA #19-102, dated Nov 20, 2019 for a Special Permit stated that there were 24 employees and 62 children. The current site plan now indicates 20 staff and 128 children. Applicant must CONFIRM which is correct to determine if the 41 parking spaces is sufficient.
9. The actual calculation for the percentage of land coverage must be indicated on the bulk chart.
10. The applicant must return to the Town of Orangetown Zoning Board of Appeals for review and approval.
11. The application shall be reviewed by the Town of Orangetown Architecture and Community appearance Board of Review.
12. The following items on the Short Environmental Assessment Form (SEAF) must be revised;
  - Part 1 – number 2, list Zoning Board, Rockland County Highway, Town of Orangetown Highway, Building Permit.
  - Part 1 – number 3.b. – note amount to be physically disturbed.
  - Part 1 – number 18, shall be revised to state underground "STORM" water facility. Not stream.

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**13.** A full SWPPP is required for this project. The drainage analysis provided is under review. A formal review shall be sent to the applicant's engineer under separate cover. However, below is a tentative list of corrections/ additions needed to the SWPPP:

- a.) The NOI shall be added to the SWPPP.
- b.) The Introduction shall explain and identify, using the NYSDEC Stormwater Management Design Manual (NYSDEC-SMDM) identification names/letters/numbers, what NYSDEC approved stormwater design features are to be utilized for stormwater purposes for this project.
- c.) The Introduction/ Narrative shall contain a table that shows the breakdown of all existing and proposed land disturbances, demonstrating how the total area of disturbance (a.o.d.) was determined.
- d.) The Introduction to the SWPPP shall clearly explain how Chapters 5 - Green Infrastructure and 9 - Redevelopment of the NYS SMDM are satisfied by the stormwater management design proposed.
- e.) The SWPPP Introduction/ Narrative shall have separate sections that discuss the water quality and quantity parameters, requirements, design, facilities, calculations etc. for the proposed project. The specific drainage calculation pages/ appendices that correspond to values listed in these sections shall be added as well.
- f.) The beginning of the SWPPP shall include a table showing elevation vs. area vs volume numbers for the proposed infiltration pond system & WQ practices
- g.) The cross-sections for the proposed subsurface "Super Trap" stormwater quantity system on the drawings shall depict the yr. storm analyzed, their respective elevations and the storage volume for each storm/ elevation.
- h.) a plaque/ sign indicating SPDES number for the proposed subsurface stormwater detention facility shall be added to the plans. Details for same shall be added to the plans.
- h.) An appendix shall be added to the SWPPP for the all of the proposed SESC features, in accordance with the NYS Standards and Specification for Erosion and Sediment Control (Nov. 2016)
- i.) An appendix shall be added to the SWPPP for "During Construction" SESC inspection checklists, in accordance with Appendix F of the NYSDEC-SMDM.
- j.) An appendix shall be added to the SWPPP for "Post Construction" SESC checklists, in accordance with Appendix G of the NYSDEC- SMDM.
- k.) An appendix shall be added to the SWPPP for the required Post Construction Stormwater Maintenance Agreement.

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**14.** Soil analysis, perc tests and determination of groundwater elevations shall be performed at all of the of the proposed stormwater/ infiltration system locations. These tests/ investigations shall be performed in the spring or fall when the ground water table is typically at its highest. These tests shall be performed **PRIOR** to this proposal receiving **Final Approval** to ensure the adequacy of the design. The information/ test results/ elevations shall be added and incorporated into the SWPPP. This Department shall be notified at least 48 hours in advance of these field tests/ investigations. Copies of all correspondence related to this issue shall be submitted to this Department.

**15.** The applicant's engineer is reminded that as per the NYSDEC-SMDM – *"The bottom of infiltration facility shall be separated by at least three (3) feet vertically from the seasonally high-water table or bedrock layer, as documented by on-site soil testing."*

**16.** The applicant/ applicant's engineer is advised/ reminded that as per the NYSDEC- SMDM, an infiltration basin must have one (1) infiltration test and one (1) test pit per 200 SF of basin area.

**17.** Because the application is proposing infiltration, adherence to NYSDEC – SMDM, Appendix I shall be provided in the SWPPP, e.g. design for snowmelt when calculating WQv, snowpack treatment, Rain -on-snow events, etc.

**18.** The total area of disturbance shall be listed in the SWPPP introduction and provided on the drawings.

**19.** Maintenance & during construction and post construction inspection details, requirements, checklists for the proposed subsurface "Storm Trap" stormwater system shall be added to the SWPPP and the drawings.

**20.** The applicant's engineer shall verify and demonstrate that the proposed "Storm Trap" subsurface stormwater quantity system is approved for use in the State of NY by the NYSDEC.

**21.** Material specifications, installation, maintenance and post construction inspection details, requirements and inspection checklists for the proposed subsurface water quality pretreatment vault and pretreatment hood shall be added to the SWPPP and drawings.

**22.** The applicant's engineer shall verify and demonstrate that the proposed subsurface stormwater quality pre-treatment vault is approved for use in the State of NY by the NYSDEC.

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23. A detail for the proposed outlet structure shall be added to the plans.
24. An emergency overflow shall be designed and depicted in the SWPPP and on the plans for the proposed subsurface "Storm Trap" stormwater system.
25. Catch basins shall be proposed and shown at the driveway along Old Middletown Road, along with required connecting drainage piping.
26. DEME has serious safety concerns with the proposed chained off "Authorized Entrance Only" along Lewis Avenue:
- a. What is the purpose of the chained off entrance? In an emergency, will a first response vehicle/ operator be expected to stop, exit the vehicle, unlock the chain, and then proceed? Is an employee of the Child Care Center expected to run to the entrance and unlock the chain during an emergency? Either of those two scenarios is unwise and could cost valuable time in any emergency response situation. . Emergency vehicles **especially** should have clear, unfettered and unrestricted access to the site - especially for a school.
  - b. Limiting entrance and exit onto the site to one (1) access point, North Middletown Road, will most likely cause traffic issues/ backups for vehicles proceeding both north and south along Old Middletown Road. As well as adversely impacting vehicular traffic turning into and out of Lewis Avenue.
  - c. East Lewis Avenue access will be used for emergency vehicles only.
27. The applicant shall reconsider designing the driveway on Lewis Avenue to be an entrance/ exit (e.g. a standard/ normal driveway entrance.) Similar to the proposal shown on a Consultation submission from October of 2021, drawing dated 8/19/21. East Lewis Avenue access will be used for emergency vehicles only.
28. The plans shall clearly indicate the type of "final cover" that will be applied to the areas where the existing structures are to be removed.
29. The applicant's engineer shall double check the proposed grading along the western side of the site.
30. Concrete curbing and sidewalks shall be shown and labeled along Lewis Avenue, for the length of the site. A detail for same shall be added to the plans.
31. The drawings indicate that the northern side of the proposed/ expanded driveway entrance, along North Middletown Road, is being "pulled back" and the sidewalk relocated further away from North Middletown Road. The applicant is advised that a permit from the Rockland County Highway Department will be required for said work.
32. The previously submitted drawings depicted a fenced-in area south of the 1 ½ story frame building. The drawings shall reflect the onsite field conditions.

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- 33.** Profiles for all proposed sanitary and storm sewer piping shall be added to the drawings.
- 34.** A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to this Department and the Town Attorney's office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to this Department, etc.
- 35.** The soil erosion and sediment control plan shall be an independent drawing e.g. tree removal and SESC shall be two separate drawings.
- 36.** The symbol for the limit of disturbance shall be added to the legend on the SESC plan.
- 37.** The plans currently show the existing sanitary main, running from the manhole along the northwest side of the property to the southwest side of the property being removed. The existing manhole at the northwest side and the piping heading north from said manhole, toward lot 68.12-3-25 shall also be labeled as to be moved, up to the northern property line.
- 38.** The sanitary building connection for the existing 1 ½ story frame building, that is labeled as to be removed, shall be labeled and shown to be removed in its entirety to the main in North Middletown Road, including cutting and capping the connection at the main.
- 39.** Sanitary calculations for the proposed site, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to this Department for review and approval.
- 40.** A note shall be added to the plan stating that The Town of Orangetown Sewer Inspector shall be notified at least 48 hours in advance of any and all construction on or near existing and proposed sanitary sewer facilities.
- 41.** The metes and bounds, instrument number/ page & liber and ownership for all existing and proposed easements and dedications shall be added to the drawings.
- 42.** Iron pins shall be drawn and labeled at each property corner.

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

**44.** Copies of all correspondence (including any and all approvals) with the New York State Department of Environmental Conservation, U.S. Army Corps. of Engineers, the Rockland County Drainage Agency, etc., in connection with this proposed site plan, shall be supplied to the Planning Board and this Department, prior to signing the map.

**45.** The Town of Orangetown Bureau of Fire Prevention reviewed the plans and offered the following comments: Site Development Plan for Safe 'N' Sound Child Care prepared by Jay Greenwell PLS last revised 1/5/2022.

1. Ariel Fire Apparatus access is required for buildings over 30'. Access road minimum width is 26' and shall be no closer than 15' or further than 30' to the building. IFC D105.5
2. Show the distance from the closest hydrant to furthest portion of the building measuring along the Fire Apparatus Access Route. Greater than 600' will require an on-site fire hydrant. IFC 507.5.1

**Construction plans should include the following information:**

- Installation of a NFPA 13 compliant sprinkler system
- Installation of a fire alarm system to the NFPA 72 standard
- Installation of a key lock box.

**46. Drainage Review Recommendation – Brooker Engineering**

The proposed action has provided sufficient drainage information that demonstrates that potential significant adverse impacts with respect to drainage can be mitigated. Brooker Engineering, the Planning Board's Drainage Consultant therefore recommends that the Safe 'N' Sound Child Care Site Plan be approved for drainage subject to the following project comments.

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**Continuation of Condition #46...**

This is the third drainage review report for this application; the last review was dated July 27, 2021. The property is located at west side of North Middletown Road, and has frontage along the north side of Lewis Avenue. There is an existing building and turfed play areas located in the center of the parcel. The west side of the parcel is undeveloped and moderately wooded. The site has driveway access via North Middletown Road. There is a north /south ridge along the eastern property line behind the abutting building at 247 North Middletown Road. The majority of stormwater runoff flows west towards the downhill embankment along the west property line, which abuts a single-family residential development.

The proposal consists of the removal of the existing building and play areas and construction of a new building along the western portion of the site. A new access driveway will be provided that also provides new egress to Lewis Avenue. Stormwater runoff from the new parking areas, driveway, and building will be directed to an underground stormwater management facility on the south side of the property. This facility will discharge to an extension of an existing storm drainage system along the north side of Lewis Avenue. There is a net increase in 21,885 new impervious area to be mitigated.

**Project Comments**

1. As per the July 27, 2021 and February 26, 2020 drainage review reports, the ground cover for the "Play Area with Patio" noted on the northwest side of the new building should be provided. Brooker Engineering notes the calculations show this is pervious area, which is important as this location bypasses the detention facilities.
2. For this revision, there is only 582 Sf of impervious area in in subarea "PR DA 1 Bypass to POI A", which is a significant reduction from the previous submission. The site plans shall document the proposed ground cover in this area for ease of construction inspection.
3. As per the July 27, 2021 and February 26, 2020 drainage review reports, provide the detail for "CB 10", which is the catch basin with the pretreatment sump.
4. As per the July 27, 2021 and February 26, 2020 drainage review reports, provide a plan view of the stormtrap underground detention facility with the number of individual units.
5. As per the July 27, 2021 and February 26, 2020 drainage review reports, show how access for inspection and maintenance for the storm trap units will be achieved.

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

- An updated review of the January 5, 2022 site plan must be completed by the Rockland County Highway Department. In addition, the applicant must comply with the comments made in its June 15, 2021 letter.
- An updated review of the January 5, 2022 site plan must be completed by the Rockland County Department of Health. In addition, as per their February 24, 2020 letter, application is to be made to the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.
- An updated review of the January 5, 2022 site plan shall be completed by the County of Rockland Office of Fire and Emergency Services, Town of Orangetown Fire Inspector, or the Pearl River Fire Department to ensure that there is sufficient maneuverability on site for emergency vehicles. In addition, the applicant must satisfy the conditions of the Orangetown Fire Inspector's letter of July 14, 2021.
- Prior to the start of construction or grading, a soil and erosion control plan shall be developed 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.
- Water is a scarce resource in Rockland County, thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages, and County with an adequate supply of water. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.
- For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.

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**Continuation of Condition #47...**

- Map Note 24 indicates that the existing childcare facility is to remain until the proposed building is complete and shall then be removed. An active construction site and a childcare facility are incompatible land uses. The site plan materials do not address the safety issues posed by this arrangement. Appropriate safety measures must be in place to separate the construction activity from the existing childcare facility.
- Areas designated for snow removal must be clearly delineated on the Site Plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow piles and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the use of parking spaces meant by staff and parents.
- All proposed signage must be shown on the site plan and conform to all Town requirements.

**48.** The Rockland County Department of Health reviewed the information and offered the following comment;

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

**49.** Rockland County Highway Department (RCHD) reviewed the submitted plans and offered the following comments:

- As proposed, a portion of area in the property along North Middletown road should be gratuitously dedicated to the County of Rockland for inclusion in the County Highway system prior to applying for a road work permit from the RCHD, if the proposed action is approved by the Town.
- Permanent easements for access, drainage and underground facilities shall be prepared and recorded with the County Clerk's Office prior to applying for a road work permit from the RCHD.
- The existing asphalt driveways are in poor condition. The applicant shall consider resurfacing them.
- The driveways will have to be posted with one-way signs.
- A road work permit shall be obtained from the RCHD prior to starting any construction work in the property, if the proposed plan is approved by the Town.

**50.** Orange & Rockland Utilities reviewed the submitted information and offered the following: O&R has an existing service feeding 247 & 249 North Middletown Road (from North Middletown Road) O&R's new business must be notified for any terminations, re-connects, or gas load changes. All code 753 rules must be followed.

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**51.** 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
- Town of Orangetown Zoning Board of Appeals
- Rockland County Highway Department
- Rockland County Planning Department

**52.** 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.

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

**54.** 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.

**55. 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 #55...**

- 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.

**56.** 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.

**57.** 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.

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

**59.** 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).

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

**61.** 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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APR 13 2022

**PB #20-13: Safe N Sound Child Care Site Plan  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #49227**

**Town of Orangetown Planning Board Decision  
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**62.** 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, absent; Denise Lenihan, recused; Michael Mandel- Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Lisa DeFeciani, (alternate member) absent; Michael McCrory, aye; and Andrew Andrews, aye.

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

**Dated: April 13, 2022**  
Cheryl Coopersmith  
Attachment



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**State Environmental Quality Review Regulations  
NEGATIVE DECLARATION**

**Notice of Determination of Non-Significance**

**PB #20-13: Safe N Sound Child Care Site Plan**

**Permit #49227**

**Preliminary Site Plan Approval Subject to Conditions**

**Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**April 13, 2022**

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: Safe N Sound Child Care Site Plan**

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

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

**DESCRIPTION OF ACTION: Site Plan Review**

LOCATION: The site is located at 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.

**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 #22-14: SQ Properties Site Plan  
Final Site Plan Approval Subject to  
Conditions**

**Permit #49655**

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**TO: Jay Greenwell, 34 Wayne Ave., 2<sup>nd</sup> Floor, Suffern, NY 10901**  
**FROM: Orangetown Planning Board**

**RE: SQ Properties Site Plan:** The application of SQ Properties, owner, for Final Site Plan Review, at a site to be known as “**SQ Properties 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 8 Olympic Drive, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.15, Block 1, Lot 16 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, April 13, 2022** at which time the Board made the following determinations:

Jay Greenwell, Sean Quinn, James Quinn and Brian Quinn appeared and testified before the Board.

The Board received the following communications:

1. Project Review Committee Report dated March 30, 2022.
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 April 11, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated April 8, 2020.
4. Interdepartmental memorandum from David Majewski, Chief Fire Inspector, Town of Orangetown Fire Prevention Bureau, dated March 29, 2022.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated April 12, 2022.
6. Letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated March 14, 2022.
7. Letter from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated March 4, 2022.
8. Letters from Rockland County Highway Department, signed by Dyan Rajasingham, dated February 16, 2020.
9. An email from Orange and Rockland Utilities from Alfred Gaddi, PE, dated February 9, 2022.
10. A Drainage Analysis prepared by Civil Design Works, LLC dated December 2019.

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11. A Narrative Summary, prepared by Jay Greenwell, PLS, dated December 18, 2019.
12. A Drainage Analysis prepared by Civil Design Works, LLC, signed/sealed by Glenn McCreedy, PE, dated December, 2019.
13. A copy of the Building Permit Referral dated December 23, 2019, prepared by Rick Oliver, Building Inspector.
14. Site Plans prepared by Jay Greenwell, PLS, dated October 14, 2019;
  - Sheet 1: Site Plan, last revised December 11, 2019
  - Sheet 2: Grading, Drainage, Utility Plan with Erosion Control, last revised February 2, 2022
  - Sheet 3: Details, last revised December 10, 2021
  - Sheet 4: Tree Preservation Plan, last revised February 2, 2022
  - Sheet 5: Existing Conditions
  - Sheet 6: Drainage Profiles, last revised February 2, 2022
15. Copies of prior Board Decisions: ACABOR #21-43, Approved as Presented, dated November 4, 2021, ZBA #20-73, Outdoor Storage Area Variance Approved, dated November 4, 2021 and PB#20-18, Preliminary Site Plan Approval Subject to Conditions, dated June 15, 2020.

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

A motion was made to open the Public Hearing by Denise Lenihan and second by Michael McCrory and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, aye; Michael Mandel- Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Lisa DeFeciani, (alternate member) absent; Michael McCrory, aye; and Andrew Andrews, aye.

There being no one from the public, a motion was made to close the Public Hearing portion of the meeting by Denise Lenihan and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, aye; Michael Mandel- Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Lisa DeFeciani, (alternate member) absent; Michael McCrory, aye; and Andrew Andrews, aye.

**Reaffirmation of SEQRA**

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

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Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Highway, Rockland County Department of Planning, Rockland County Health Department, Rockland County Sewer District #1 and having reviewed the drawings presented by the applicant's professional consultant; Jay Greenwell, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

On motion by Stephen Sweeney and second by Andrew Andrews and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, aye; Michael Mandel- Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Lisa DeFeciani, (alternate member) absent; Michael McCrory, aye; and Andrew Andrews, aye, the Board reaffirmed the Negative Declaration.

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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**

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. The applicant is required to make application to the Industrial User Committee for review for compliance with Performance Standards.
4. A fire hydrant shall be installed as based on the Town of Orangetown Bureau of Fire Prevention recommendation.
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 and the Final Site Plan is stamped.
6. The applicant still needs to comply with PB Decision #20-18, conditions:
  6. Soil analysis, perc tests and determination of groundwater elevations shall be performed at all of the of the proposed stormwater/ infiltration system locations. These tests/ investigations shall be performed in the spring or fall when the ground water table is typically at its highest. These tests shall be performed **PRIOR** to this proposal receiving **Final Approval** to ensure the adequacy of the design. The information/ test results/ elevations shall be added and incorporated into the SWPPP. This Department shall be notified at least 48 hours in advance of these field tests/ investigations. Copies of all correspondence related to this issue shall be submitted to this Department.
  7. The drainage calculations and SWPPP shall include sizing calculations for the existing basin.

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**Continuation of Condition #6...**

8. The total area of disturbance (a.o.d.) shall be listed on the drawings as well as well as in the SWPPP narrative and stormwater design sections. Also, a table summarizing the pre and post construction impervious areas shall also be added to the SESC drawing and the SWPPP narrative.

10. A "blow-up" of the stormwater basin shall be provided on the drawings. Cross-sections, storage volume for given design storms and elevations, 25-foot pond buffer, 12-foot-wide stabilized maintenance path (that reaches the forebay/ main pool/outlet structure/ emergency spillway, flared end inlets, etc.), permanent sediment depth marker with detail, plantings (if utilized for water quality control), emergency overflow spillway with elevations, etc.

12. Profiles for **all existing** drainage piping shall be provided on the drawings.

15. An emergency overflow spillway shall be designed for the proposed stormwater basin.

18. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to this Department and the Town Attorney's office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to this Department, etc.

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

21. All existing and proposed easements and dedications shall be shown on the plan, including page and liber or instrument number, intent/ purpose and **ownership**.

7. A full SWPPP is required for this project. The drainage analysis provided is under review. A formal review shall be sent to the applicant's engineer under separate cover. However, below is a tentative list of corrections/ additions needed to the SWPPP:

a.) The Introduction shall explain and identify, using the NYSDEC Stormwater Management Design Manual (NYSDEC-SMDM) identification names/letters/numbers, what NYSDEC approved stormwater design features are to be utilized for stormwater purposes for this project.

b.) The Introduction/ Narrative shall contain a table that shows the breakdown of all existing and proposed land disturbances, demonstrating how the total a.o.d. was determined

c.) The introduction to the SWPPP shall clearly explain how Chapters 5 -Green Infrastructure and 9 – Redevelopment of the NYS SMDM are satisfied by the stormwater management design proposed.

d.) Sediment depth marker (for forebay) and plaques/signs indicating SPDES number for the proposed stormwater forebay/ infiltration shall be added to the basin plans. Details for both shall be added to the plans.

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- e.) The SWPPP Introduction/ Narrative shall have separate sections that discuss the water quality and quantity parameters, requirements, design, facilities, calculations etc. for the proposed project. The specific drainage calculation pages/ appendices that correspond to values listed in these sections shall be added as well.
- f.) The beginning of the SWPPP shall include a table showing elevation vs. area vs volume numbers for the proposed infiltration pond system & WQ practices
- g.) An appendix shall be added to the SWPPP for the all of the proposed SESC features, in accordance with the NYS Standards and Specification for Erosion and Sediment Control (Nov. 2016)
- h.) An appendix shall be added to the SWPPP for "During Construction" SESC inspection checklists, in accordance with Appendix F of the NYSDEC-SMDM.
- i.) An appendix shall be added to the SWPPP for "Post Construction" SESC checklists, in accordance with Appendix G of the NYSDEC- SMDM.
- j.) An appendix shall be added to the SWPPP for the required Post Construction Stormwater Maintenance Agreement.

**8.** The project narrative and calculations shall clearly verify that the required WQv for the project will infiltrate/ dewater within 48 hours.

**9.** The applicant's engineer is reminded that as per the NYSDEC-SMDM – *"The bottom of infiltration facility shall be separated by at least three (3) feet vertically from the seasonally high-water table or bedrock layer, as documented by on-site soil testing."* (see comment 1-6 above.)

**10.** The applicant/ applicant's engineer is advised/ reminded that as per the NYSDEC- SMDM, an infiltration basin must have one (1) infiltration test and one (1) test pit per 200 SF of basin area. (see comment 1-6 above.)

**11.** Because the application is proposing infiltration, adherence to NYSDEC – SMDM, Appendix I shall be provided in the SWPPP, e.g. design for snowmelt when calculating WQv, snowpack treatment, Rain -on-snow events, etc.

**12.** The following standard design details for the proposed infiltration basin shall be added to the plans: detail for underdrain valve, cleanouts along underdrain (with top and invert elevations), outlet piping from outlet structure with anti-seep collar, 1 foot of freeboard at emergency spillway, etc.

**13.** The cross section of the proposed infiltration basin depicts the 10 year (Overbank flood control) and the 100 yr. (extreme flood control) extending into the forebay. However, the design criteria for an infiltration basin, as shown in the NYS-SMDM is supposed to be fully contained within the infiltration basin itself. The applicant's engineer shall redesign the infiltration basin to meet the NYS SMDM standards.

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**14.** The drawings show outdoor vehicle storage at the western end of the site. The drawings shall indicate the exact type and quantity of vehicle storage being proposed. Because vehicles have the potential of leaking oils/greases/gases/fuels and because the proposed stormwater system is designed to be infiltration, separate/ independent water quality measures shall be proposed for any and all stormwater facilities that will collect stormwater runoff from the area where the vehicles will be stored, "upstream" of the proposed stormwater infiltration system. These facilities shall also be shown on the plan. The water quality facilities shall be designed by a NYS licensed Professional Engineer. The design, including sizing calculations, shall be submitted to this Department for review and approval. The design of said facilities shall be added to the SWPPP in a separate Appendix. Summary information for these facilities shall also be added to the SWPPP narrative/ Introduction.

**15.** Material specifications, installation and maintenance information for the required outdoor vehicle storage area(s) runoff water quality controls shall be added to the SWPPP and drawings.

**16.** The Plunge Pool and Infiltration Basin – Section View, sheet 2, shall show the vertical/ elevation gridlines and the horizontal distance grid lines. Also, the location of this section shall be shown on the plan and the section shall be lettered.

**17.** The plans shall indicate what the purpose of the macadam screened yard is for. What is to be stored there? Can this area be pervious instead of impervious?

**18.** The plans show regrading along the northern property line. The applicant's engineer shall demonstrate, on the drawings and in the SWPPP, how this regrading will occur without disturbing the neighboring property.

**19.** A clearing limit line shall be added to the drawings.

**20.** The proposed grading at the west of the project, around the outdoor vehicle storage area is incorrect. The proposed grading shall be corrected.

**21.** Additional catch basins shall be added to the site plan e.g. in existing front parking lots, along new north and south driveway isles, at southern side of existing south entrance onto Olympic Drive, etc.

**22.** The drawings show that the existing 18-inch RCP drainage piping, that runs offsite to the south, is not completely contained within the existing easement. The applicant shall either obtain an additional easement to encompass the piping or redo the piping to be inside of the existing easement. If the applicant chooses to acquire another easement, it shall be submitted to the Town Attorney's office and this Department for review and approval prior to filing. If the applicant chooses to "re-lay" the line, plans and, profiles and details for same shall be added to the drawings.

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**23.** Provide roof drainage plan and coordinate the roof drainage divide points on the site plan.

**24.** The connection from the proposed roof drains into the proposed drainage system piping shall be added to the plans.

**25.** The proposed elevations shall be listed on the proposed contours in the outdoor vehicle storage area on the plans.

**26.** The side slope ration, in section A-A, sheet 6, shall be given on the profile.

**27.** The project proposes to disturb over 3 acres, however, no sediment basin or sediment trap has been proposed for the project. Due to the size of the L.O.D., a temporary sediment trap/ basin shall be designed for the project and added to drawings. The sizing calculations for the basin/ trap shall be added to the SWPPP and details for same added to the drawings. The sizing of the basin shall be done utilizing the Temporary Sediment Basin Design Data Sheet, found on page 5.24 of the *New York State Standards and Specifications for Erosion and Sediment Control* (11/16.) As per the NYS-SMDM, the plunge pool/ infiltration basin area cannot be used for the location of the sediment trap/ basin.

**28.** Stabilized construction entrances shall be added to the SESC plan for the new stormwater infiltration basin location and the ponding area south of the existing south site entrance/ exit.

**29.** Sanitary calculations for the proposed site, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to this Department for review and approval.

**30.** The size of the existing sanitary building connection shall be listed on the plans.

**31.** A note shall be added to the plan stating that The Town of Orangetown Sewer Inspector shall be notified at least 48 hours in advance of any and all construction on or near existing and proposed sanitary sewer facilities.

**32.** The table under the elevation view of the flared end section detail on sheet 3 shall be defined.

**33.** A doghouse drainage manhole detail, with connection details, shall be added to the drawings.

**34.** All existing edge of pavement locations without curbing, shall be modified to show new concrete curbing being installed.

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

36. Copies of all correspondence (including any and all approvals) with the New York State Department of Environmental Conservation, U.S. Army Corps. of Engineers, the Rockland County Drainage Agency, etc., in connection with this proposed site plan, shall be supplied to the Planning Board and this Department, prior to signing the map.

37. The Town of Orangetown Bureau of Fire Prevention reviewed the plans and offered the following comments: Site Plan for SQ Properties, LLC prepared by Jay Greenwell PLS dated 2-2-22:

1. Show fire lane/zone striping and signage.
2. An Ariel Fire Apparatus access road is required for buildings over 30'. Access road minimum width is 26', 25' is shown. Label Ariel Access road on the plan. 2020 NYS IFC D105.2
3. A hydrant must be within 600' of all portions of the building measured along an approved access route. The rear of the proposed building appears to extend greater than 600' from the existing hydrants. 2020 NYS IFC 507.5.1

Construction plans shall include the following information:

- Installation of a NFPA 13 compliant sprinkler system
- Installation of a fire alarm system to the NFPA 72 standard

**38. Drainage Review Recommendation - Brooker Engineering  
Drainage Review Recommendation**

The proposed application has provided sufficient drainage information that demonstrates that potential significant adverse impacts with respect to drainage can be mitigated. The Drainage Consultant, Brooker Engineering, therefore recommends that the SQ Properties, LLC Site Plan be approved for drainage at this time, subject to the following comments.

**Project Description**

This is the second drainage review report for this application; the last review was dated June 8, 2020. The site is located on the west side of Olympic Drive, about 450 feet north of Corporate Drive. There is an existing one-story building on the east side of the property, with parking along the north and south sides of the building. The project proposes a building addition of 280 feet by 124 feet

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attached to the rear of the existing building. The driveway access roads will be expanded to provide drive thru lanes within the building for the assembly use. Stormwater runoff flows southeasterly through the property. There is an existing depression in the front yard that will be enlarged and used as an infiltration basin. Stormwater overflows from the infiltration basin flow southeast toward a piped drainage system in Olympic Drive. The basin will provide storage of 5.5 inches of stormwater runoff from the existing and proposed impervious areas directed to the basin at the 100-year peak stage. The development occurs on an existing meadow with a moderate slope. For this submission, soil testing has been done to support the drainage design methodology.

**Project Comments**

1. As per the June 8, 2020 review, Proposed DA-2 is the drainage subarea that is directed to the infiltration basin. The subarea limits shall be revised to reflect the proposed conditions topography.
2. As per the June 8, 2020 review, include an alternate in the proposed conditions hydrologic model to break down the Proposed DA-2 into a subarea of the large directly connected impervious area (with an unweighted CN) and a subarea of the remaining pervious area.
3. As per the June 8, 2020 review, existing conditions off-site runoff from the west shall be evaluated to determine if this area contributes to the subarea entering the infiltration basin.
4. Include the results of the soil testing as an appendix in the drainage report.
5. As per the June 8, 2020 review, show the footing drain for the proposed building.
6. As per the June 8, 2020 review, revise the grading along the center asphalt area of south bay to provide the 1% slope.

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

- As per their letter dated March 16, 2020, application is to the Rockland County Health Department for review of the stormwater management system for compliance with the Rockland County Mosquito Control.
- A review must be completed by the County of Rockland Department of Highways, any concerns addressed, and any required permits obtained.
- Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- Retaining walls that are over 4 feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.

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**40.** The Rockland County Department of Health reviewed the information and offered the following Comment:

- Application is to be made to the Rockland County Health Department for review of the stormwater management system for compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.

**41.** The Rockland County Department of Highways reviewed the submitted information and found that the proposed action would have no significant effects upon the County Highway System.

**42.** Orange and Rockland Utilities reviewed the plan and offered the following: The existing gas service runs on the north side of the building and enters in the northwest corner. The proposed work may be in conflict with the existing service. Please contact new business for any disconnects/ reconnects and load increase. All code 753 rules must be followed.

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

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

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

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

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

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- One (1) foot radius from truck 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.

**47.** 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.

**48.** 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.

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

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**50.** 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).

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

**52.** 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

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

**Overrides**

The Board made a motion to override Condition 5 of the March 14, 2022 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

- **#5.** The status of the 50 foot right of way on the west side of the parcel shall be determined. If it has not yet been eliminated, the Town must be ensured that the right of way is not needed for future use.

**The Board held that the revised plans show no conflict.**

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A motion to override the condition was made and moved by Stephen Sweeney seconded by Denise Lenihan and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, aye; Michael Mandel- Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Lisa DeFeciani, (alternate member) absent; Michael McCrory, aye; and Andrew Andrews, aye.

The foregoing Resolution was made and moved by Stephen Sweeney and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, aye; Michael Mandel- Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Lisa DeFeciani, (alternate member) absent; Michael McCrory, aye; and Andrew Andrews, aye.

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

**Dated: April 13, 2022  
Cheryl Coopersmith  
Town of Orangetown Planning Board**



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