

ZONING BOARD OF APPEALS

Town of Orangetown  
20 Greenbush Road  
Orangeburg, New York 10962  
(914) 359-8410 (ex. 4331)

Date: June 1, 2022

TO: OBAPAE

Environmental Management and Engineering  
~~Rockland County Sewer District #1~~  
New York State Dept. of Transportation  
Palisades Interstate Park Commission  
Orange and Rockland Utilities  
Orangetown Highway  
Fire Prevention (Performance Standards)

~~Rockland County Drainage~~  
~~Rockland County Health~~  
~~Rockland County Planning~~  
~~Rockland County Highway~~

Review of Plans: Safe N Sound Childcare, 249 North Middletown Road, Pearl River, NY  
Section 68.12 Block 3 Lot 27 CO zone

This matter is scheduled for:

Chapter 43, CO District: Renewals of a Special Permit that was granted in ZBA# 05-33, ZBA#19-102, , ZBA#95-66 for operation of a day care at 249 North Middletown Road, Pearl River, NY

*ZBA 98-91*

Please review the information enclosed and provide comments. These comments may be mailed , e-mailed or faxed to the Zoning Board Office.

If your Agency does not have any comments at this time, please respond to this office by sending back this sheet.

- US Postal: 20 South Greenbush Road, Orangeburg, NY 10962
- Email to Zoning Board: [darbolino@orangetown.com](mailto:darbolino@orangetown.com) or
- Fax to the Town of Orangetown ZBA @845 359 8526

**Zoning Board Meeting Date: July 6, 2022**

- Comments attached
- No Comments at this time. Please send future correspondence for review.
- No future correspondence for this site should be sent to this agency. Plans reviewed and this agency does not have any further comments.
- This project is out of the jurisdiction of this agency and has no further comments.

This project is before the Zoning Board on **Wednesday, July 6, 2022**. Kindly forward your completed review to this office by July 6, 2022.

Reviewing Agency \_\_\_\_\_

Name \_\_\_\_\_ date: \_\_\_\_\_

Signature: \_\_\_\_\_



OFFICE OF BUILDING, ZONING, PLANNING  
ADMINISTRATION AND ENFORCEMENT  
TOWN OF ORANGETOWN  
20 GREENBUSH ROAD  
ORANGETOWN, N.Y. 10962

Jane Slavin, RA  
Director

(845) 359-8410

Fax: (845) 359-8526

Date: April 11, 2022

To: Planning Board

From: Jane Slavin, RA.,  
Director O.B.Z.P.A.E.

Subject: **Safe N Sound Site Plan** PB #20-13  
Prepreliminary/Preliminary Site Plan and SEQRA Review  
249 N Middletown Road, Pearl River  
68.12-3-27; CO zoning district

Submission Reviewed:

Preliminary Site Development Plans as prepared by Jay A. Greenwell, PLS, LLC, dated 1/5/2022.

- 1) 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.
- 2) The actual calculation for the percentage of land coverage must be indicated on the bulk chart.
- 3) Applicant must return to the ZBA with the proposed plan for review and approval of the Special Permit.
- 4) ACABOR review is required.
- 5) The following items on the 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.

JS – 4-11-2022

Name of Municipality: TOWN OF ORANGETOWN Date Submitted: \_\_\_\_\_

**2020 LAND USE BOARD APPLICATION**

*Please check all that apply:*

<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Residential
<input type="checkbox"/> Planning Board	<input type="checkbox"/> Historical Board
<input checked="" type="checkbox"/> Zoning Board of Appeals	<input type="checkbox"/> Architectural Board
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Consultation
<input type="checkbox"/> Number of Lots	<input type="checkbox"/> Pre-Preliminary/Sketch
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Preliminary
<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Final
<input type="checkbox"/> Special Permit	<input type="checkbox"/> Interpretation
<input type="checkbox"/> Variance	
<input type="checkbox"/> Performance Standards Review	
<input type="checkbox"/> Use Variance	
<input type="checkbox"/> Other (specify): _____	

PERMIT#: \_\_\_\_\_

ASSIGNED \_\_\_\_\_

INSPECTOR: \_\_\_\_\_

Referred from Planning Board: YES / NO

If yes provide date of Planning Board meeting: \_\_\_\_\_

**Project Name:** Safe-N-Sound Child Care

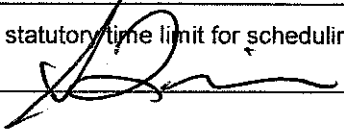
**Street Address:** 249 N. Middletown Road  
Pearl River, NY 10983

**Tax Map Designation:**  
Section: 68.12 Block: 3 Lot(s): 27  
Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot(s): \_\_\_\_\_

**Directional Location:**  
On the west side of North Middletown Road, approximately 0 feet of the intersection of Lewis Ave, in the Town of ORANGETOWN in the hamlet/village of Pearl River.

<b>Acreage of Parcel</b> <u>2.69</u>	<b>Zoning District</b> <u>CO</u>
<b>School District</b> <u>Nanuet</u>	<b>Postal District</b> <u>Pearl River</u>
<b>Ambulance District</b> <u>Pearl River</u>	<b>Fire District</b> <u>Pearl River</u>
<b>Water District</b> <u>Suez</u>	<b>Sewer District</b> <u>Orangetown</u>

**Project Description:** *(If additional space required, please attach a narrative summary.)*  
New Child Care Center

The undersigned agrees to an extension of the statutory time limit for scheduling a public hearing.  
Date: 5-19-22 Applicant's Signature: 

# APPLICATION REVIEW FORM

**Applicant:** Safe-N-Sound Child Care **Phone #** \_\_\_\_\_

**Address:** 249 N. Middletown Road Pearl River NY 10983  
Street Name & Number (Post Office) City State Zip Code

**Property Owner:** same as above **Phone #** \_\_\_\_\_

**Address:** \_\_\_\_\_  
Street Name & Number (Post Office) City State Zip Code

**Engineer/Architect/Surveyor:** D & B Engineers and Architects PC **Phone #** 914-467-5300

**Address:** 4 W Red Oak Lane Suite 315 White Plains NY 10604  
Street Name & Number (Post Office) City State Zip Code

**Attorney:** Donald Brenner **Phone #** 845-359-2210

**Address:** 4 Independence Ave Tappan NY 10983  
Street Name & Number (Post Office) City State Zip Code

**Contact Person:** Donald Brenner **Phone #** 845-359-2210

**Address:** 4 Independence Ave Tappan NY 10983  
Street Name & Number (Post Office) City State Zip Code

### GENERAL MUNICIPAL LAW REVIEW: This property is within 500 feet of: (Check all that apply)

**IF ANY ITEM IS CHECKED, A REVIEW MUST BE DONE BY THE ROCKLAND COUNTY COMMISSIONER OF PLANNING UNDER THE STATE GENERAL MUNICIPAL LAW, SECTIONS 239 L, M, N, AND NN.**

- State or County Road
- Long Path
- Municipal Boundary
- State or County Park
- County Stream
- County Facility

List name(s) of facility checked above:  
\_\_\_\_\_  
\_\_\_\_\_

**Referral Agencies:**

- RC Highway Department
- RC Drainage Agency
- NYS Dept. of Transportation
- NYS Thruway Authority
- Adjacent Municipality \_\_\_\_\_
- Other \_\_\_\_\_
- RC Division of Environmental Resources
- RC Dept. of Health
- NYS Dept. of Environmental Conservation
- Palisades Interstate Park Commission

# APPLICATION REVIEW FORM

FILL IN WHERE APPLICABLE.

( IF THE FOLLOWING DOES NOT APPLY PLEASE MOVE ON TO THE NEXT PAGE )

**If subdivision:**

- 1) Is any variance from the subdivision regulations required? \_\_\_\_\_
- 2) Is any open space being offered? \_\_\_\_ If so, what amount? \_\_\_\_\_
- 3) Is this a standard or average density subdivision? \_\_\_\_\_

**If site plan:**

- 1) Existing square footage \_\_\_\_\_
- 2) Total square footage \_\_\_\_\_
- 3) Number of dwelling units \_\_\_\_\_

**If special permit**, list special permit use and what the property will be used for.

\_\_\_\_\_  
\_\_\_\_\_

**Environmental Constraints:**

Are there **slopes greater than 25%**? If yes, please indicate the amount and show the gross and net area \_\_\_\_\_

Are there **streams** on the site? If yes, please provide the names. \_\_\_\_\_

Are there **wetlands** on the site? If yes, please provide the names and type:

\_\_\_\_\_

**Project History:**

Has this project ever been reviewed before? YES

If so, provide a narrative, including the list case number, name, date, and the board(s) you appeared before, and the status of any previous approvals.

X  
\_\_\_\_\_  
\_\_\_\_\_

List tax map section, block & lot numbers for all other abutting properties in the same ownership as this project.

\_\_\_\_\_  
\_\_\_\_\_

## PROJECT NARRATIVE

The Safe-N-Sound facility has been operating at 249 North Middletown Road, Pearl River since 1986.

The operator of the facility appeared before the Zoning Board on October 15, 1995 - ZBA#95-66 and the Board granted a "Use Variance" subject to a conditional use.

A "Use Variance" runs with the land, and placing of a time or operator contingency on the Variance is the reason we are appearing before the Board.

The applicant wishing to meet this condition appeared before the Zoning Board on April 20, 2005, and the Board granted an extension to December 01, 2006.

The applicant not realizing that she had to re-appear in 2006 appeared before your Board on November 20, 2019 and the Board granted the following: a retroactive extension from December 1, 2006 to December 01, 2026.

The applicant received Preliminary Approval to construct a new facility on the parcel at the Planning Board meeting of April 23, 2022 - PB#20-13, and when the new facility was completed, the old facility would be demolished.

The Director of O.B.Z.P.A.E. requested that the applicant return to the Zoning Board to review the new plan, and approve the "Special Permit".

The applicant has shown the Zoning Board that she has operated a much needed Child Care Facility at this address for over 35 years meeting all State, County, and Town requests. To continue to place a "Special Permit" renewal contingency on the new construction will seriously effect the financing of the project.

Since the Board granted the "Use Variance" in 1995, we are of the opinion that the special permit is not needed.

249 N Middletown Rd Pearl River

68112-3-0710 GML\* 100 Le 10 Po

✓ 392489 68.12-3-20  
Teresa Bednarski  
133 E Carroll St  
Pearl River, NY 10965

✓ 392489 68.12-3-24  
John Buonadonna  
7 Carlisle Rd  
Spring Valley, NY 10977

NO Data Found

✓ 392489 68.12-3-25  
275 N Middletown LLC  
5308 13th Ave Ste 543  
Brooklyn, NY 11219

• 392489 68.12-3-26  
Three Q LLC  
127 River Rd  
Grandview, NY 10960

\* 392489 68.12-3-27  
Three Q LP  
127 River Rd  
Grandview, NY 10960

✓ 392489 68.12-3-28  
Kieran Creighton  
20 Charles St  
Pearl River, NY 10965

✓ 392489 68.12-3-29  
Kaith Kang  
16 Charles St  
Pearl River, NY 10965

✓ 392489 68.12-3-30  
Michael Treacy  
12 Charles St  
Pearl River, NY 10965

✓ 392489 68.12-3-31  
John Considine  
8 Charles St  
Pearl River, NY 10965

✓ 392489 68.12-3-32  
Christina Hennessy  
4 Charles St  
Pearl River, NY 10965

✓ 392489 68.12-3-33  
Lenora Dolan  
7 Charles St  
Pearl River, NY 10965

✓ 392489 68.12-3-34  
Basil & Lorriane Siragusa  
11 Charles St  
Pearl River, NY 10965

✓ 392489 68.12-3-35  
Francis Mc Devitt  
130 E Carroll St  
Pearl River, NY 10965

✓ 392489 68.12-4-9  
David Allen  
132 E Lewis Av  
Pearl River, NY 10965

392489 68.12-4-10  
Andrew Duggan  
140 E Lewis Av  
Pearl River, NY 10965

✓ 392489 68.12-4-11  
Daniel E Rogoski  
146 E Lewis Ave  
Pearl River, NY 10965

✓ 392489 68.12-4-12  
Margaret Mulligan  
154 E Lewis Av  
Pearl River, NY 10965

✓ 392489 68.12-4-13  
Thomas Cicarelli  
162 E Lewis Av  
Pearl River, NY 10965

✓ 392489 68.12-4-14  
Nicholas Spadaccini  
168 E Lewis Av  
Pearl River, NY 10965

✓ 392489 68.12-4-15  
Bruce S Fox  
180 E Lewis Ave  
Pearl River, NY 10965

✓ 392489 69.09-1-37  
Michael B Hussey  
227 Manor Blvd  
Pearl River, NY 10965

✓ 392489 69.09-1-38  
William Helmke  
17 Bluefiled Ln  
Blauvelt, NY 10913

✓ 392489 69.09-1-39  
Messer & Susslin & Others  
274 No Middletown Rd  
Pearl River, NY 10965

✓ 392489 69.09-1-40  
Martin Kuhn  
56 Rolfe Pl  
Pearl River, NY 10965

✓ 392489 69.09-2-1  
Union State Bank  
127 Public Sq  
Cleveland, OH 44114

✓ 392489 69.09-2-52  
Seventh Day Adventist of NY  
P.O. Box 5029  
Manhasset, NY 11030

✓ 392489 68.12-4-16./2191  
Andres Arango  
219 N Middletown Rd Unit A  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2192  
Kevin P Drain  
219 N Middletown Rd Unit B  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2193  
Michael O'Brien  
219 N Middletown Rd Unit C  
Pearl River, NY 10965

392489 68.12-4-16./2194  
✓/Lelia Finnegan  
219 N Middletown Rd Unit D  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2195  
James T Russell  
219 N Middletown Rd Unit E  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2196  
Timothy Altman  
36 Maple St  
Closter, NJ 07624

392489 68.12-4-16./2197  
✓/Martha Patterson  
182 Old Middletown Rd  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2198  
Margaret M Howley  
219 N Middletown Rd Unit H  
Pearl River, NY 10965

392489 68.12-4-16./2211  
✓/Patricia A Peneno  
221 N Middletown Rd Unit A  
Pearl River, NY 10965

392489 68.12-4-16./2212  
✓/Annette Zangrandi  
221 N Middletown Rd Unit B  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2213  
Rob Art LLC  
28 Champ Ave  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2214  
Christopher Rogers  
221 N Middletown Rd Unit D  
Pearl River, NY 10965

392489 68.12-4-16./2215  
✓/Mary Ryan  
221 N Middletown Rd Unit E  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2216  
Scott Borge  
221 N Middletown Rd Unit F  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2217  
Antonio R Anaya  
6 Astor Ct  
Princeton, NJ 08540

392489 68.12-4-16./2218  
✓/Stephen J Presti  
221 N Middletown Rd Unit H  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2231  
Thomas K Connolly  
223 N Middletown Rd Unit A  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2232  
Peter Cusack  
21 Michael Roberts Ct  
Pearl River, NY 10965

392489 68.12-4-16./2233  
✓/Zartaj Dewan  
223 N Middletown Rd Unit C  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2234  
Brian P Conlan  
223 N Middletown Rd Unit D  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2235  
Timothy P Mc Quade  
223 N Middletown Rd Unit E  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2236  
Maryanne E Condlin  
15 George Ave  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2237  
Kristen M Mandarino  
223 N Middletown Rd Unit G  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2238  
Elizabeth Cunney  
223 N Middletown Rd Unit H  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2250  
Irene Bogdanski  
225 N Middletown Rd Unit A  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2251  
Megan B Barrett  
60 Hawk St  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2252  
Patricia Maher  
225 N Middletown Rd Unit C  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2253  
Mukundja Tripathi  
225 N Middletown Rd Unit D  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2254  
John G Maher  
241 N Middletown Rd Unit B  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2255  
Annmarie Koch  
225 N Middletown Rd Unit F  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2256  
Brian Villavecchia  
225 N Middletown Rd Unit G  
Pearl River, NY

✓ 392489 68.12-4-16./2257  
Katherine A Bunis  
225 N Middletown Rd Unit H  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2258  
Michael Romanello  
225 N Middletown Rd Unit I  
Pearl River, NY 10965



✓ 392489 68.12-4-16./2259  
Mary Nanry  
225 N Middletown Rd Unit J  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2271  
Joseph D Flynn  
227 N Middletown Rd Unit A  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2272  
Patrick Sutton  
227 N Middletown Rd Unit B  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2273  
Vincent R Brennan III  
12 Tanglewood Ct  
Congers, NY 10920

✓ 392489 68.12-4-16./2274  
Mariusz Czymczuk  
227 N Middletown Rd Unit D  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2275  
John Sestak  
227 N Middletown Rd Unit E  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2276  
Michael P Mulcahy  
340 E Central Ave  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2277  
Carolyn Mc Kenna  
227 N Middletown Rd Unit G  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2278  
Peter Vaughan  
101 Orchid Dr  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2291  
Mary N Fitzpatrick  
229 N Middletown Rd Unit A  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2292  
Niall Kenny  
229 N Middletown Rd Unit B  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2293  
Mary Finnegan  
229 N Middletown Rd Unit C  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2294  
Thomas G Mc Hugh  
29 DeLongis Ct  
Sparkill, NY 10976

✓ 392489 68.12-4-16./2295  
Susan Koppel  
229 N Middletown Rd Unit E  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2296  
Cristina M Soreco  
229 N Middletown Rd Unit F  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2297  
Cezary Kulesza  
87 Autumn Way  
Montvale, NJ 07645

✓ 392489 68.12-4-16./2298  
Jennifer A Novelo  
229 N Middletown Rd Unit H  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2311  
Wojciech Dominik  
21 Buchanan St  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2312  
Kelly A Stern  
3 Vista Dr  
Nanuet, NY 10954

✓ 392489 68.12-4-16./2313  
Pearl River Alumni  
P.O. Box 1046  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2314  
Patrick Frawley  
231 N Middletown Rd Unit D  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2315  
Louis M Caniglia  
16 Norwood Pl  
Nanuet, NY 10954

✓ 392489 68.12-4-16./2316  
Maryann Hanneman  
231 N Middletown Rd F  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2317  
Kerryanne Winters  
231 N Middletown Rd Unit G  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2318  
Maureen Walpole  
1021 E Broad St  
Westfield, NJ 07090

✓ 392489 68.12-4-16./2331  
Brian Finucane  
233 N Middletown Rd Unit A  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2332  
Joan F Lediger  
233 N Middletown Rd Unit B  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2333  
Thomas P Foley  
83 Lawrence St  
Tappan, NY 10983

✓ 392489 68.12-4-16./2334  
Felicia Vaccaro  
P.O. Box 1147  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2335  
William J Carroll  
233 N Middletown Rd Unit E  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2336  
Steven L Spector  
25 Franklin Ave Unit 1C  
White Plains, NY 10601

✓ 392489 68.12-4-16./2337  
Ashley Woods  
233 N Middletown Rd Unit G  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2338  
Isabel Badillo  
233 N Middletown Rd Unit H  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2351  
Patrick Kenneally  
235 N Middletown Rd Unit A  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2352  
Carolyn Lorusso  
235 N Middletown Rd Unit B  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2353  
Kevin T Haugh  
235 N Middletown Rd Unit C  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2354  
George Theofanides  
49 Tanager Rd Apt 1  
Monroe, NY 10950

✓ 392489 68.12-4-16./2355  
Linda M Ross  
235 N Middletown Rd Unit E  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2356  
Robert Sherrock  
235 N Middletown Rd Unit F  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2357  
Nicholas F Favia  
235 N Middletown Rd Unit G  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2358  
Christopher Lorusso  
235 N Middletown Rd Unit H  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2371  
Marie Franco  
237 N Middletown Rd Unit A  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2372  
Michael J Murphy  
237 N Middletown Rd Unit B  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2373  
Cindy DeMane  
237 N Middletown Rd Unit C  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2374  
Frank Milillo III  
46 Ohio St  
Congers, NY 10920

✓ 392489 68.12-4-16./2375  
Eugenia G Howley  
66 Bocket Rd  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2376  
Daniel Larkin  
66 Ablondi Rd  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2377  
James Notarfrancesco  
237 N Middletown Rd Unit G  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2378  
Ellen Feng  
48-29 189th St  
Fresh Meadow, NY 11365

✓ 392489 68.12-4-16./2391  
Rob Art LLC  
28 Champ Ave  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2392  
Eileen Dalton  
461 Gilbert Ave  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2393  
Antonio A Navarro  
239 N Middletown Rd Unit C  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2394  
Rob Art LLC  
28 Champ Ave  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2395  
Amanda M Tuzzolino  
239 N Middletown Rd Unit E  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2396  
Jeffrey M Heilig  
6 Nuthatch Ln  
West Nyack, NY 10994

✓ 392489 68.12-4-16./2397  
Irene T Hart-Fleming  
239 N Middletown Rd Unit G  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2398  
Peter S Bellhouse  
190 Ridge St  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2411  
Joseph Thomassen  
241 N Middletown Rd Unit A  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2412  
Peter Vaughan  
101 Orchid Dr  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2413  
Peter Vaughan  
101 Orchid Dr  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2414  
Laurence Madigan  
241 N Middletown Rd Unit D  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2415  
Deanna A Basile  
241 N Middletown Rd Unit E  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2416  
Shannon D Brooks  
241 N Middletown Rd Unit F  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2417  
Patrick Murphy  
241 N Middletown Rd Unit G  
Pearl River, NY 10965

✓ 392489 68.12-4-16./2418  
Julia Sheridan  
118 Margaret Keahon Dr  
Pearl River, NY 10965

DECISION

**FIVE YEAR RENEWAL OF SPECIAL PERMIT APPROVED**

To: Geraldine Josephs (Safe and Sound Childcare)  
206 West Central Avenue  
Pearl River, New York 10965

ZBA # 05-33  
Date: 4 / 20 / 05

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

Re: ZBA# 05-34: Application of Safe-n-Sound Childcare for a five year renewal of a Special Permit which was approved for five years by Zoning Board of Appeals Decision #96-05. Premises are located at 249 North Middletown Road, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.12, Block 3, Lot 27; CO zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, April 20, 2005 at which time the Board made the determination hereinafter set forth.

Geraldine Josephs and Alyce Reiner appeared and testified.

The following documents were presented:

1. Copy of a site plan for Safe and Sound Child Care dated April 19, 1995.
2. Zoning Board of Appeals Decision #95-66 dated October 18, 1995.

Geraldine Josephs testified that she and her business partner Alyce Reiner have run the Safe and Sound Daycare while raising their own children; that they are before the Board for an extension of their Special Permit; that they need the Special Permit because their property is not zoned residential; that the property is zoned commercial; that they are licensed for 49 full time students; and that they have operated the business for over twenty years.

Alyce Reiner testified that although they are licensed for 49 full time students, they have an enrollment of over one hundred students because many are part time; that the children are aged 18 months to five years; that there are never more than 49 students in the building at a time; and that the amount of students is based on the square footage of the building.

TOWN CLERKS OFFICE

MAY -5 AM 11:40

TOWN OF ORANGETOWN

Public Comment:

No public comment.

The Board members made a personal inspection of the premises on Sunday, April 17, 2005 and found them to be properly posted and as generally described on the application.

A satisfactory statement in accordance with the provisions of Section 809 of the General Municipal Law of New York was received.

**FINDINGS OF FACT AND CONCLUSIONS:**

After personal observation of the property, hearing all the testimony and reviewing the documents presented, the Board found and concluded that:

1. The Special Permit pursuant to which the applicant Safe-n-Sound Childcare was operating its children's day care program expired on December 1, 2001; the program has operated without a permit since that date.
2. Applicant seeks a five-year extension of that permit.

**DECISION:** In view of the foregoing and the testimony and documents presented, the Board: **RESOLVED**, that the application for the requested five year extension of the special permit is **APPROVED** retroactively to December 1, 2001, with such extension to expire on December 1, 2006; and **FURTHER RESOLVED**, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

TOWN CLERKS OFFICE

MAY -5 11:40

TOWN OF ORANGE TOWN

General Conditions:

(i) The approval of any variance or Special Permit is granted by the Board in accordance with and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.

(ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.

(iii) The Board gives no approval of any building plans, including, without limitation, the accuracy and structural integrity thereof, of the applicant, but same have been submitted to the Board solely for informational and verification purposes relative to any variances being requested.

(iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time following the filing of this decision and prior to undertaking any construction contemplated in this decision. To the extent any variance or Special Permit granted herein is subject to any conditions, the building department shall not be obligated to issue any necessary permits where any such condition imposed should, in the sole judgment of the building department, be first complied with as contemplated hereunder. Occupancy will not be made until, and unless, a Certificate of Occupancy is issued by the Office of Building, Zoning and Planning Administration and Enforcement which legally permits such occupancy.

(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit with respect to construction or a Certificate of Occupancy with respect to use does not constitute "substantial implementation" for the purposes hereof.

TOWN CLERKS OFFICE

MAY - 5 11:40

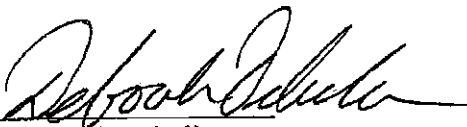
TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested five year extension of the Special Permit as presented and moved by Mr. Duffy, seconded by Mr. Sullivan, and carried as follows: Mr. Sullivan, aye; Ms. Castelli, aye; Mr. Mowerson, aye; and Mr. Duffy, aye. Mr. Munno was absent.

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: April 20, 2005

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By   
Deborah Arbolino  
Administrative Aide

DISTRIBUTION:

APPLICANT  
ZBA MEMBERS  
SUPERVISOR  
TOWN BOARD MEMBERS  
TOWN ATTORNEY  
DEPUTY TOWN ATTORNEY  
OBZPAE  
BUILDING INSPECTOR - LP.

TOWN CLERK  
HIGHWAY DEPARTMENT  
ASSESSOR  
DEPT. of ENVIRONMENTAL  
MGMT. and ENGINEERING  
FILE, ZBA, PB  
CHAIRMAN, ZBA, PB, ACABOR

TOWN CLERKS OFFICE

5 MAY -5 AM '05

TOWN OF ORANGETOWN

DECISION

**SPECIAL PERMIT EXTENSION APPROVED UNTIL DECEMBER 1, 2026**

To: Donald Brenner (Safe-n-Sound)  
4 Independence Avenue  
Tappan, New York 10983

ZBA #19-102  
Date: November 20, 2019  
Permit # 49343

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 19-102: Application of Safe-n-Sound Childcare for renewal of a Special Permit that was granted in ZBA#95-05 and extended in ZBA#05-33 dated April 20, 2005 and filed in the Town Clerk's Office on May 5, 2005. Premises are located at 249 North Middletown Road, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.12, Block 3, Lot 27; CO zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 20, 2019 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Attorney and Geraldine Josephson appeared and testified.

The following documents were presented:

1. Site plan by Adler & Young dated April 19, 1995.
2. ZBA Decision #05-33 dated April 20, 2005.
3. ZBA Decision #95-66 dated October 18, 1995.

Ms. Castelli, Acting Chair, made a motion to open the Public Hearing which motion was seconded by Ms. Salomon and carried unanimously.

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Ms. Castelli moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (e) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Ms. Salomon, aye; Mr. Quinn, aye; and Ms. Castelli, aye. Mr. Sullivan and Mr. Feroldi were absent.

Donald Brenner, Attorney, testified that the business had been operating in Pearl River for 32 years; that the conditional permit expired but the applicant is licensed by NYS and that license has not lapsed; that this was an oversight by the applicant and they would like to request the permit be issued retro to 2006.

Geraldine Josephson, testified that they are open from 6:30 A.M. to 6:30 P.M. five days a week; that they are permitted to have a capacity of 62 children and that she employs 24 people and apologizes for not renewing the permit.

Public Comment:

No public comment

TOWN OF ORANGETOWN  
2019 DEC 10 A 11: 19  
TOWN CLERK'S OFFICE



The Board members made personal inspections of the premises the week before the meeting and found them to be properly posted and as generally described on the application.

A satisfactory statement in accordance with the provisions of Section 809 of the General Municipal Law of New York was received.

Ms. Castelli made a motion to close the Public Hearing which motion was seconded by Mr. Quinn and carried unanimously.

**FINDINGS OF FACT AND CONCLUSIONS:**

After personal observation of the property, hearing all the testimony and reviewing all the documents submitted, the Board found and concluded that the following Special Findings for the proposed Special Permit Use, as per Zoning Code Section 4.31, have been satisfactorily satisfied, for the following reasons:

1. The Special Permit pursuant to which the applicant Safe-n-Sound Childcare was operating its children's day care program expired on December 1, 2006; the program has operated without a permit since that date; however the program has always been licensed by New York State.
2. The requested extension of the Special Permit will be appropriately located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities.
3. The granting of the extension of the Special Permit will not cause undue traffic congestion or create a traffic hazard.
4. The granting of the extension of the Special Permit will not create, at any point of determination set forth in Zoning Code Sections 4.16, 4.17 and 4.18 any more dangerous and objectionable elements, referred to in Section 4.11 than is characteristic of the uses expressly permitted as of right in the same Zoning District.
5. The requested extension of the Special Permit will not adversely affect the character of or property values in the area.
6. Will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town.
7. The requested extension of the Special Permit will comply with all other regulations applicable to such use. For all Special Permit Uses a proposed plan, showing the size and location of the lot, design and location of the proposed facilities ( including access drives, screening and streets within 1,000) feet) and a detailed description thereof must be submitted in accordance with rules prescribed by the Board ( if any).

TOWN CLERK'S OFFICE

2019 DEC 10 A 11: 19

TOWN OF ORANGETOWN

8. Before any Special Permit is granted, the applicant must secure approval of the proposed structure by the Town Engineer or the consulting engineers for the Town of Orangetown, if same has been requested or is otherwise required, which was done at the granting of the first special permit is 1995.

**DECISION:** In view of the foregoing and the testimony and documents presented, the Board **RESOLVED** that the application for the requested Special Permit renewal is **APPROVED** (retroactive to December 1, 2006 for 20 years and will expire on December 1, 2026) ; and **FURTHER RESOLVED**, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

**General Conditions:**

(i) The approval of any variance or Special Permit is granted by the Board in accordance with and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.

(ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.

(iii) The Board gives no approval of any building plans, including, without limitation, the accuracy and structural integrity thereof, of the applicant, but same have been submitted to the Board solely for informational and verification purposes relative to any variances being requested.

(iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time following the filing of this decision and prior to undertaking any construction contemplated in this decision. To the extent any variance or Special Permit granted herein is subject to any conditions, the building department shall not be obligated to issue any necessary permits where any such condition imposed should, in the sole judgment of the building department, be first complied with as contemplated hereunder. Occupancy will not be made until, and unless, a Certificate of Occupancy is issued by the Office of Building, Zoning and Planning Administration and Enforcement which legally permits such occupancy.

(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit with respect to construction or a Certificate of Occupancy with respect to use does not constitute "substantial implementation" for the purposes hereof.


TOWN CLERK'S OFFICE  
2019 DEC 10 A 11:19  
TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested Special Permit renewal is APPROVED: (retroactive to December 1, 2006 for 20 years and will expire on December 1, 2026); was presented and moved by Ms. Castelli, seconded by Ms. Salomon and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Ms. Salomon, aye; and Ms. Castelli, aye. Mr. Sullivan and Mr. Feroldi were absent.

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: November 20, 2019

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By   
Deborah Arbolino  
Administrative Aide

DISTRIBUTION:

APPLICANT  
ZBA MEMBERS  
SUPERVISOR  
TOWN BOARD MEMBERS  
TOWN ATTORNEY  
DEPUTY TOWN ATTORNEY  
OBZPAE  
BUILDING INSPECTOR-D.M

TOWN CLERK  
HIGHWAY DEPARTMENT  
ASSESSOR  
DEPT. of ENVIRONMENTAL  
MGMT. and ENGINEERING  
FILE ZBA, PB  
CHAIRMAN, ZBA, PB, ACABOR

TOWN OF ORANGETOWN  
2019 DEC 10 A 11: 19  
TOWN CLERK'S OFFICE

DECISION

ZBA #95-66

TO: Safe-N-Sound Childcare, Inc.  
249 N. Middletown Road  
Pearl River, New York 10965

FROM: ZONING BOARD OF APPEALS: TOWN OF ORANGETOWN

RE: Referred by the Planning Board. Application of Safe-N-Sound Childcare, Inc. to permit use of existing structure as a child day-care center. Section 3.12, Column #5 - general accessory uses #8 is same as CC #5. A "child day-care center" is permitted as a general accessory use in the CO and CC zone only in conjunction with churches and similar places of worship, schools, offices, hotels, motels, with all parking and outdoor play areas complying with all required yards, as provided for in 3.12. Premises involved is situated on the west side of Middletown Road approximately 180' north from the intersection of Lewis Avenue and Middletown Road in the hamlet of Pearl River, Rockland County, New York. Section 68.12, Block 3, Lot 27. This is a CC Zoning District.

To determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act.

Heard by the ZONING BOARD OF APPEALS of the Town of Orangetown at a meeting held on Wednesday, October 18, 1995, at which time the Board made the following determination:

Fabian C. Adler, Michael H. Fury, Alice Resxi and Geraldine Josephson appeared for the application and testified.

The applicant presented the following:

- 1. A Full Environmental Assessment Form, dated August 24, 1995 and signed by Fabian C. Adler P.E.
- 2. A Site Plan by Adler & Young P.C. dated April 19, 1995 and last revised on August 23, 1995.

The applicant presented a detailed presentation of the complete operation of the proposed childcare facility and received much documentation as to the professional, efficient, and safe operation of the daycare center as it now is being operated on the site. That it was established in 1987 and now has 52 children from the Orangetown and adjacent areas.

That the childcare center is licensed by the New York State Department of Social Services and has a Licensed teacher on staff full time. That the other staff is required to, and does have the proper certification.

The applicant also stated that a full time cook is on premises and hot home cooked meals are provided daily.

Judy Savage from the Rockland Council for Young Children appeared and testified that the Council recommends approval of this application due to the fact they are a very special service to the community.

The applicant also presented in excess of 45 letters recommending approval of this application including letters from the following educators from the area. Dr. Arline Gold, Principal

TOWN OF ORANGETOWN

DEC 13 1995

of George W. Miller Elementaty School, Marion Thorley, Service Learning Coordinator, A. Macarthur Barr Middle School and Michael J. Osnato Ed. D. Superintendent, Pearl River School District.

Mr Moran spoke on the publication of the correct zonong district for this property and it was clarified that the correct district was CC zoning district which the Deputy Town attorney pointed out is less restrictive then the CC zoning district.

Michael Fury, attorney of the applicant testified how this was a use as of right in the district and a special permit - use of school- was not needed as per application.

A satisfactory statement in accordance with the provisions of Section 809 of the General Municipal Law of the State of New York was received.

The Planning Board declared itself as Lead Agency for SEQRA review.

**FINDINGS OF FACT:**

The Board, after personal observation of the property, hearing all the testimony and reviewing same, found as fact:

1. That the center provides a much needed service to the community.
2. That the support for this center is community wide and includes many children from the schools in the area.
3. That the center has the use and benifit of approximately 4.9 acres of property for the 52 students to use.
4. That the center is approved and licensed by all the appropriate state agencies.
5. That the variance requested is not a use of right or a permitted accessory use in this CO zone and therefore this application constitutes an application for a use variance.
6. The applicant has sufficiently demonstrated that the use variance will not alter the essential character of the CO district which permits professional offices, churchs, schools, community centers etc. In fact this use is permitted as of right of accessory to one of these aforementioned uses.
7. The hardship is unique since the primary building cannot be used for professional offices at this time due to surplus of office space.
8. This is not self-created but caused by the fact the primary use is not used as professional office, church, school etc.

**DECISION:** In view of the foregoing and the testimony before the Board, the application is APPROVED WITH THE FOLLOWING CONDITION.

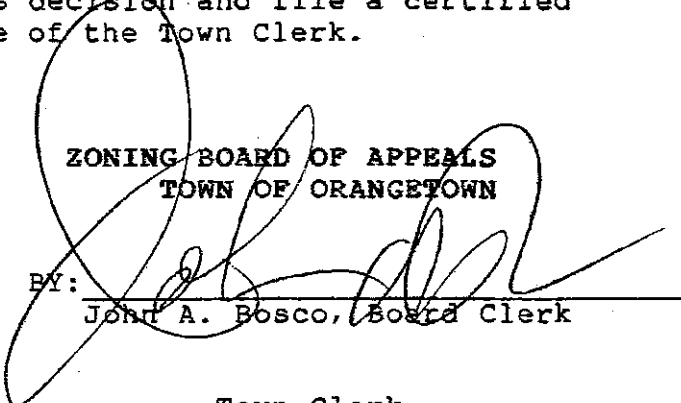
1. A conditional use is granted for as long as the property is operated as a daycare center by the current principals that now represent the school. This conditional use shall not exceed five years at which time it will expire and no right to continue to operate is permitted unless further approvals, if any, are granted.

The foregoing resolution was presented and moved by Ennio Munno seconded by Dr. Quaranta and carried as follows: William Mowerson, aye; Ennio Munno, aye; Dr. Quaranta, aye and Alfred Visalli, aye.

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

DATED: October 18, 1995

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

BY:   
John A. Bosco, Board Clerk

DISTRIBUTION:

- Applicant
- Town Board Members
- ZBA Members
- Supervisor
- Town Attorney
- Deputy Town Attorney
- OBZPAE
- Building Inspector

- Town Clerk
- Highway Department
- Assessor
- Dept. of Environmental Mgmt and Engineering
- Supervising Clerk
- PB, ZBA, ACABOR Chairmen

TOWN OF ORANGETOWN

'95 DEC -1 P3:54

TOWN CLERKS OFFICE

Date: July 17, 1996

TO: Orangetown Planning Board  
FROM: Project Review Committee  
RE: Review of July 24, 1996 Planning Board Agenda  
Present: B. Peters, R. Holms, J. Giardiello, B. Mowerson  
L. Kayser, B. Albin and C. Bard.

PB #96-96: KFC Performance Bond  
No Comment

PB #96-99: Inayat Subdivision  
No Comment

PB #96-100: Dominican Resubdivision  
No Comment

PB #96-101: Blue Hill Early Learning Center/Prime Time Childcare  
1. The site plan shall show the area where children will be dropped off.

2. The site plan shall show and label all exits/entrances from the fenced in area.

PB #96-102: Ariake U.S.A., Inc.

1. Fire hydrants shall be shown on the site plan.

PB #96-103: Safe -N- Sound Childcare

1. A note shall be placed on the site plan that reflects the Zoning Board of Appeals Decision #95-66, filing dated of December 1, 1995, regarding the length of time of the granted variance.

PB #96-104: Deerwood/Washington Manor Subdivision

1. There will be no further subdivision of lots 4 and 5.

PB #96-106: Greenbush Auto Sales

1. Note #6 of the site plan shall be amended to read "There shall be no parking or standing of vehicles except in designated parking spaces".

PB #96-107: Ebenezer Full Gospel Assembly

1. All easements shall be defined by metes and bounds description and reviewed and approved by the Town of Orangetown Department of Environmental Management and Engineering.

PB #96-109: Cummins Metropower

No Comment

The next Project Review Committee Meeting: September 4, 1996.  
10:30 A.M.

The Committee will review projects to be heard  
at the September 11, 1996 Planning Board Meeting.



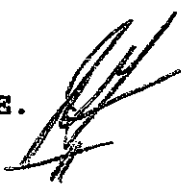
OFFICE OF BUILDING, ZONING AND PLANNING  
ADMINISTRATION AND ENFORCEMENT  
TOWN OF ORANGETOWN  
GREENBUSH ROAD  
ORANGETOWN, N.Y. 10962

JOHN GIARDIELLO, P.E.  
Director

(914) 359-5100

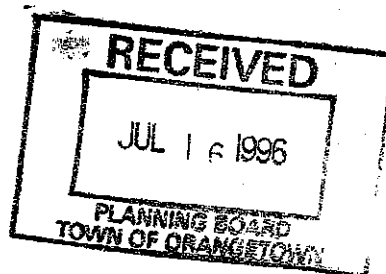
FAX: (914) 359-8526

July 16, 1996

To: Cheryl Bard, Chief Clerk  
From: John Giardiello, Director O.B.Z.P.A.E.   
Subject: Safe - N - Sound Childcare  
Final Site Plan Review  
PB #96-103  
Section 68.12 Block 3 Lot 27

1) The existing drive onto Middletown Road should be improved to accommodate two way traffic. The engineering details should be shown on the site plan.

JG:da





DECISION

TO: Larry Adler  
500 Bradley Hill Road  
Blauvelt, N.Y. 10913

PB #95-134

FROM: PLANNING BOARD, TOWN OF ORANGETOWN

RE: The application of Larry Adler, Agent, for Pre-preliminary/ Preliminary Site Plan Review for "Safe-n-Sound Childcare" in accordance with article 16 of the Town Law of the State of New York and Chapter 21A of the Land Development Regulations of the Town of Orangetown. The site is located at 249 North Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York, shown on the Orangetown Tax Map as Section 68.12, Block 3, Lot 27 in a CO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held Wednesday, September 27, 1995, at which time the Board made the following determination:

Fabian C. Adler, Geraldine Josephson and Alyce Reenir appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report, dated September 20, 1995.
2. An interdepartmental memorandum from the Office of Building, Zoning & Planning Administration & Enforcement, Town of Orangetown, dated September 18, 1995, signed by John Giardiello, P.E., Director.
3. A letter from the Department of Environmental Management and Engineering, Town of Orangetown, dated September 20, 1995, signed by Robert J. Beckerle, P.E., Director.
4. A letter from Lawler, Matusky & Skelly, Consulting Engineers, dated September 20, 1995, signed by Joseph R. Sagan, P.E.
5. A Letter from Rockland County Department of Planning, dated September 11, 1995, signed by James Cymore, Deputy, for James Yarmus, P.E., PhD. Commissioner of Planning.
6. A letter from the County of Rockland Department of Highways, dated September 11, 1995, signed by Merle Mammato, Principal Engineering Technician.
7. A letter from Rockland County Soil and Water Conservation District, dated September 6, 1995, signed by Ronald Haelen, District Resource Technician for the Board of Directors.
8. A Site plan by Adler & Young, Architect, dated April 19, 1995.

The plans were discussed.

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (kk) of the State Environmental Quality Review Act" (SEQRA). That 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 Thomas Warren, seconded by Diana Rivet the Board unanimously adopted the Resolution, declaring the Board as Lead Agency.

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 will not be prepared.

The reasons supporting this determination are as follows:

The proposed project demonstrated no adverse impact on traffic. The

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

On motion by Thomas Warren and seconded by Diana Rivet the Board voted to adopt the foregoing Resolution as follows; Thomas Quinlan Aye; Michael Strazza Absent; Thomas Warren Aye; Robert Rahnefeld Absent; John Foody Aye, Diana Rivet Aye; Maryann Gavioli Absent:

DECISION: In view of the foregoing and testimony before the Board, the application was granted PRELIMINARY APPROVAL WITH THE FOLLOWING CONDITIONS:

1. Ingress should be from East Lewis Avenue and Egress to Middletown Road, and it is suggested that ingress from East Lewis shall be placed along the western boundary of the Quinn property.

2. The existing gravel area delineated as parking should be paved and striped.

3. The following comments from Planning Board Decision #95-74 have not been addressed:

- 2). Applicant should provide all State Licenses and Inspection Reports.
- 5). Clarification of the second floor apartment in regards to the parking calculations shall be shown. The Number of and occupancy of the apartments shall be delineated.
- 12). The undefined easement to N/F Ramsey property shall be defined with a metes and bounds description. In addition, the parking spaces at this portion of the property shall be labeled to clearly show size and number of spaces. It should also be shown on the plan what property these spaces serve.
- 15). Indicate if there is a connection between the two different accesses into the building.
- 17). Drainage shall be shown.

4. This proposed development does not appear to pose any problem for drainage.

5. The Site Plan shall be modified to reflect any requirements by the Rockland County Highway Department so that a permit from their department can be obtained.

6. The Site Plan shall be modified to meet any recommendations of the Rockland County Soil and Water Conservation District.

7. A permit from the County of Rockland Department of Highways will be necessary prior to the start of any work on this project.

8. This proposed project is a land disturbance. This project cannot be approved by the Soil and Water District until a sediment and erosion control plan is developed for this site to trap sediment generated during construction. Applicant will submit a erosion control plan to the County of Rockland Soil and Water Conservation District for there review.

The foregoing resolution was presented and moved by John Foody and seconded by Thomas Warren, and carried as follow:  
Thomas Quinlan, Aye; Michael Strazza, Absent; Thomas Warren, Aye; Robert Rahnefeld, Absent; John Foody, Aye; Diana Rivet, Aye; and Maryann Gavioli, Absent.

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

DATED: September 27, 1995

PLANNING BOARD TOWN OF ORANGETOWN  
BY: 

John A. Bosco, Acting Chief Clerk

DISTRIBUTION: (PBDEtoau)

Appl	ACABOR	Supervisor	Town Board
Town Clerk	Plg Bd	Town Atty	Dep. Town Atty
Assessor	Assessor	OBZPAE	Dir. OBZPAE
PRC	Highway	Env. Mgt	RC High
RCSW	RC Plg	RCD	LMS

TOWN CLERKS OFFICE

95 OCT 31 09:06

TOWN OF ORANGETOWN

**DECISION**  
**FINAL APPROVAL SUBJECT TO CONDITIONS**  
**Safe and Sound Childcare**

**TO:** Safe N Sound Childcare, Inc. PB #96-103  
249 N. Middletown Road  
Pearl River, NY 10965

**FROM:** PLANNING BOARD, TOWN OF ORANGETOWN

**RE:** The application of Safe-N-Sound Childcare, owner for Final Site Plan Review for a site plan to be known as "Safe-N-Sound Childcare, Inc.", in accordance with article 16 of the Town Law of the State of New York and Chapter 21A of the Land Development Regulations of the Town of Orangetown. The site is located on the north west corner of East Lewis Avenue and North Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York, and shown on the Orangetown Tax Map as Section 68.12., Block 3, Lot 27, CC zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held Wednesday, July 24 and September 11, 1996, at which time the Board made the following determination:

JULY 24, 1996

Fabian Adler, Alice Reiner and Geraldine Josephson appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report, dated July 17, 1996.
2. An interdepartmental memorandum from the Office of Building, Zoning & Planning Administration & Enforcement, Town of Orangetown, dated July 16, 1996, signed by John Giardiello, P.E., Director.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, Town of Orangetown, dated July 17, 1996, from Robert J. Beckerle, P.E., Director.
4. A letter from Lawler, Matusky & Skelly, Consulting Engineers, dated July 15, 1996, signed by Joseph R. Sagan, P.E.
5. A letter from Rockland County Department of Planning, dated July 27, 1996, signed by James Yarmus, P.E., PhD. Commissioner of Planning.
6. A letter from Rockland County Department of Highways, dated June 28, 1996, signed by Merle Mammato, Principal Engineering Technician.
7. Two letters from Rockland County Department of Highways/Drainage Agency, dated September 13, 1995 and July 8, 1996, signed by Claudette Tufau, Engineer I.
8. A letter from Rockland County Soil & Water Conservation District, dated July 8, 1996, signed by Ronald Haelen, Resource Technician.
9. A letter from Office of the Chief Pearl River Fire Department, dated July 2, 1996, signed by Ron Hansen, Chief.
10. Copies of Decisions: ACABOR #96-06, Approved with a Condition, dated March 21, 1996, ZBA #95-66, Approved with a Condition, dated October 18, 1995 and PB #95-134, Approved with Conditions, dated September 27, 1995.
11. A Site Plan, entitled "Safe and Sound Child Care", prepared by Adler and Young P.C., dated April 19, 1995, last revised on January 5, 1996.

12. Architectural Plans, prepared by Vincent M. Accocella, dated April 24, 1995, last revised on January 19, 1996:  
A-1: Floor Plans, and  
A-2: Elevations.

The applicant requested a Continuation in order to fulfill the comments outlined by the Board.

September 11, 1996

Fabian Adler, Alice Reiner and Geraldine Josephson appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report, dated September 4, 1996.
2. An interdepartmental memorandum from the Office of Building, Zoning & Planning Administration & Enforcement, Town of Orangetown, dated September 5, 1996, signed by John Giardiello, P.E., Director.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, Town of Orangetown, dated September 3, 1996, from Robert J. Beckerle, P.E., Director.
4. A letter from Rockland County Department of Highways, dated September 3, 1996, signed by Merle Mammato, Principal Engineering Technician.
5. A Site Plan, entitled "Safe and Sound Child Care", prepared by Adler and Young P.C., dated April 19, 1995, last revised on August 29, 1996.

**DECISION:** In view of the foregoing and testimony before the Board, the application was GRANTED A FINAL APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. A note shall be placed on the site plan that reflects the Zoning Board of Appeals Decision #95-66, dated December 1, 1995:  
" 1. A conditional use is granted for as long as the property is operated as a daycare center by the current principals that now represent the school. This conditional use shall not exceed five years at which time it will expire and no right to continue to operate is permitted unless further approvals, if any, are granted".
2. The entrance to the site (north side of property) and the exit (south side of property) shall be clearly labeled with signage.
3. The entrance to the site shall be designated as a fire lane and no parking shall take place on this roadway.
4. The status of the private sewer line easement that runs through the back (west side) of the property shall be determined and labeled prior to Final acceptance of the Site Plan.
5. Direction of drainage on new and existing paved area shall be indicated on the site plan.
6. The existing sanitary sewer building connection shall be shown on the site plan.
7. The site plan shall reflect any requirements of the Rockland County Department of Highways so that all appropriate permits can be obtained.
8. The one way U-shaped driveway is acceptable to the Rockland County Department of Highways.

9. The site plan shall be modified to meet any recommendations of the Rockland County Soil and Water Conservation District.

10. The facility shall be fully sprinklered, if required by law, if not it has to have an adequate alarm and fire detection system.

The foregoing resolution was presented and moved by Diana Rivet seconded by John Foody, and carried as follows:  
Robert Rahnefeld, aye; John Foody, aye; Mary Ann Cavioli, absent; Diana Rivet, aye; Thomas H. Quintan, P.E., aye; Michael Strazza, absent; and Thomas Warren, aye.

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

DATED: September 5, 1996

PLANNING BOARD TOWN OF ORANGETOWN  
BY:  Chief Clerk

DISTRIBUTION: (PBDEs&s)

Appl	ACABOR	Supervisor	Town Board
Town Clerk	Plg Bd	Town Atty	Dep. Town Atty
Assessor	Assessor	OBZPAE	Dir. OBZPAE
PRC	Highway	Env. Mgt	RC High
RCSW	RC Plg	RCD	LMS

TOWN CLERKS OFFICE

96 OCT 10 P1 43

TOWN OF ORANGETOWN

rec 6-28-96

PLANNING BOARD  
TOWN OF ORANGETOWN  
APPLICATION TO THE BOARD

Name of Submission (Project or Subdivision Name)

Safe-N-Sound Childcare, Inc.

The applicant hereby requests:

- Subdivision Review; circle one (Pre-preliminary/ Preliminary/ Final)
- Site Plan Review; circle one (Pre-preliminary/ Preliminary/ **Final**)
- Conditional Use Permit
- Other: \_\_\_\_\_

Owner's Name: Thomas & Belinda Quinn, Michael Josephson, Sean Quinn  
Geraldine Josephson, sean Reihan, Moira Quinn

Owner's Address: 194 Gilbert Ave., Pearl River, NY 10965

Applicant's Name: Safe-N-Sound Childcare, Inc. Telephone Number: 735-7233

Applicant's Address: 249 N. Middletown Rd., Pearl River, NY 10965

Architect's Name: Vincent M. Acocella Telephone Number: 735-9321

Architect's Address: P.O. Box 181, Pearl River, NY 10965

Engineer's Name: Adler & Young, P.C. Telephone Number: 358-3660

Engineer's Address: 500 Bradley Hill Rd., Blauvelt, NY 10913

Attorney's Name: Michael H. Fury, Esq.

Attorney's Address: 5 E. Central Ave., Pearl River, NY 10965

TAX MAP - SECTION: 68.12 BLOCK: 3 LOT(s): 27

ZONING DISTRICT: CO HAMLET: Pearl River

The undersigned hereby waives all rights to Section 274-a.2. of the Town Law of the State of New York relating to the scheduling of a hearing.

DATE: 6/21/96

Applicant's Signature: Geraldine Josephson

**DECISION**

ZBA #98-91

TO: 2083 Center Associates  
2083 Center Street  
Fort Lee, New Jersey, 07024

FROM: ZONING BOARD OF APPEALS: TOWN OF ORANGETOWN

RE: At the request of the applicant. Application of 2083 Center Associates to extend the time when the variance granted by Zoning Board of Appeals Decision #98-86 and extended in time by ZBA #96-67 will lapse. Relief from the following condition is requested:

- (1) Any foregoing variance or Special Permit will lapse if any contemplated construction for which the variance or Special Permit is granted is not substantially implemented within one year of the date this decision is filed; it being clearly understood and agreed that the mere obtainment of a Building Permit does not constitute "substantial implementation" for the purposes hereof.

Premises involved are situated on the west side of Route 9W approximately 500' north of the intersection of Oak Tree Road and Route 9W in the hamlet of Palisades, Rockland County, New York. Section 78.09, Block 1, Lot 26. This is a LO zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held Wednesday October 21, 1998 at which time the Board made the following determination.

Albert E. Markarian, Keith J. Cornell and Kier Levesque appeared and testified.

The following documents were presented:

1. Site development plan by Atzl, Scatassa & Zigler P.C. dated February 3, 1994.
2. Zoning Board of Appeals #97-86.
3. Zoning Board of Appeals #96-67

The applicant testified that in November of 1997 it requested a 14-month extension of variances and received a 12-month extension from the Board; that since that time it has made several appearances before both the ACABOR and Planning Board; that it now has a Final Site Plan approved by the Planning Board and is awaiting the final stamping of the plans; that the applicant would feel safe with a twelve month extension during which it is sure it will have "substantially implemented" construction; that this project has been under review for the last eleven years and is finally reaching the construction stage; and that the applicant is eager to bring this project to completion and is trying to avoid any further delays in the start of the building phase.

The Board members made a personal inspection of the premises on Monday October 19, 1998 and found them to be properly posted and as generally described on the application.

A satisfactory statement in accordance with the provisions of Section 809 of the General Municipal Law of the State of New York was received

**FINDING OF FACTS:**

The Board after personal observation of the property, hearing all the testimony and reviewing same, found as fact that:

1. The applicant's difficulty in commencing construction is not self-created as the delay in receiving approval of the final plans was unavoidable. ADN 86.

TOWN CLERKS OFFICE

TOWN OF ORANGETOWN



2. Aside from the delay in starting construction, no circumstances relating to the variances granted by the Board in ZBA #97-86 and ZBA #96-67 have changed which would warrant reconsideration by the Board of its decisions.

**DECISION:** In view of the foregoing and the testimony before the Board, the application is APPROVED FOR A ONE YEAR EXTENSION TO NOVEMBER 1, 1999:

(i) The approval of any variance or Special Permit is granted by the Board in accordance with, and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.

(ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.

(iii) The Board gives no approval of any building plans, including, without limitation, the accuracy and structural integrity thereof, of the applicant, but same have been submitted to the Board solely for informational and verification purposes relative to the variances being requested.

(iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time following the filing of this decision and prior to undertaking any construction contemplated in this decision. To the extent any variance or Special Permit granted herein is subject to any conditions, the Building Department shall not be obligated to issue any necessary permits where any such condition imposed should, in the sole judgment of the Building department, be first complied with as contemplated hereunder. Occupancy will not be made until, and unless, a Certificate of Occupancy is issued by the Office of Building, Zoning, and Planning Administration and Enforcement which legally permits such occupancy.

(v) Any foregoing variance or Special Permit will lapse if any contemplated construction for which the variance or Special Permit is granted is not substantially implemented within one year of the date this decision is filed; it being clearly understood and agreed that the mere obtainment of a Building Permit does not constitute "substantial implementation" for the purposes hereof.

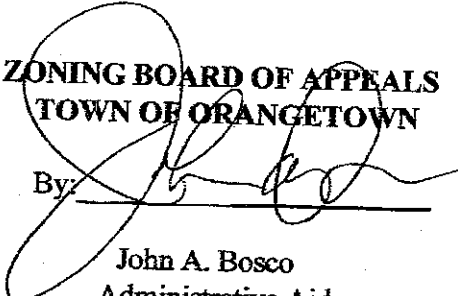
The foregoing resolution to approve the application was presented and moved by Ennio Munno seconded by Dominic Filippone and carried as follows; Dominic Filippone, aye; Alfred Visalli, aye; Ennio Munno, aye; William Mowerson, absent and John Duffy, aye.

The administrative aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: October 21, 1998

**ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN**

By: \_\_\_\_\_



John A. Bosco  
Administrative Aide

**DISTRIBUTION:**

- Applicant
- Town Board Members
- ZBA Members
- Supervisor
- Town Attorney
- Deputy Town Attorney
- OBZPAE
- Building Inspector

- Town Clerk
- Highway Department
- Assessor
- Dept. of Environmental
- Management and Engineering
- Supervising Clerk
- Chairman PB,ZBA, ACABOR

NOV 1 1998

DECISION

ZBA #98-91

TO: 2083 Center Associates  
2083 Center Street  
Fort Lee, New Jersey, 07024

FROM: ZONING BOARD OF APPEALS: TOWN OF ORANGETOWN

RE: At the request of the applicant, Application of 2083 Center Associates to extend the time when the variance granted by Zoning Board of Appeals Decision #98-86 and extended in time by ZBA #96-67 will lapse. Relief from the following condition is requested:

(1) Any foregoing variance or Special Permit will lapse if any contemplated construction for which the variance or Special Permit is granted is not substantially implemented within one year of the date this decision is filed; it being clearly understood and agreed that the mere obtainment of a Building Permit does not constitute "substantial implementation" for the purposes hereof.

Premises involved are situated on the west side of Route 9W approximately 500' north of the intersection of Oak Tree Road and Route 9W in the hamlet of Palisades, Rockland County, New York. Section 78.09, Block 1, Lot 26. This is a L.O zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held Wednesday October 21, 1998 at which time the Board made the following determination.

Albert E. Markarian, Keith J. Cornell and Kier Levesque appeared and testified.

The following documents were presented:

- 1. Site development plan by Atzl, Scatassa & Zigler P.C. dated February 3, 1994.
- 2. Zoning Board of Appeals #97-86.
- 3. Zoning Board of Appeals #96-67

The applicant testified that in November of 1997 it requested a 14-month extension of variances and received a 12-month extension from the Board; that since that time it has made several appearances before both the ACABOR and Planning Board; that it now has a Final Site Plan approved by the Planning Board and is awaiting the final stamping of the plans; that the applicant would feel safe with a twelve month extension during which it is sure it will have "substantially implemented" construction; that this project has been under review for the last eleven years and is finally reaching the construction stage; and that the applicant is eager to bring this project to completion and is trying to avoid any further delays in the start of the building phase.

The Board members made a personal inspection of the premises on Monday October 19, 1998 and found them to be properly posted and as generally described on the application.

A satisfactory statement in accordance with the provisions of Section 809 of the General Municipal Law of the State of New York was received

FINDING OF FACTS:

- 1. The applicant's difficulty in commencing construction is not self-created as the delay in receiving approval of the final plans was attributable to ACN 86.

NA: NN01

#98-91 pg. 2.

2. Aside from the delay in starting construction, no circumstances relating to the variances granted by the Board in ZBA #97-86 and ZBA #96-67 have changed which would warrant reconsideration by the Board of its decisions.

DECISION: In view of the foregoing and the testimony before the Board, the application is APPROVED FOR A ONE YEAR EXTENSION TO NOVEMBER 1, 1999:


- (i) The approval of any variance or Special Permit is granted by the Board in accordance with, and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.
- (ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.
- (iii) The Board gives no approval of any building plans, including, without limitation, the accuracy and structural integrity thereof, of the applicant, but same have been submitted to the Board solely for informational and verification purposes relative to the variances being requested.
- (iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time following the filing of this decision and prior to undertaking any construction contemplated in this decision. To the extent any variance or Special Permit granted herein is subject to any conditions, the Building Department shall not be obligated to issue any necessary permits where any such condition imposed should, in the sole judgment of the Building department, be first complied with as contemplated hereunder. Occupancy will not be made until, and unless, a Certificate of Occupancy is issued by the Office of Building, Zoning, and Planning Administration and Enforcement which legally permits such occupancy.
- (v) Any foregoing variance or Special Permit will lapse if any contemplated construction for which the variance or Special Permit is granted is not substantially implemented within one year of the date this decision is filed; it being clearly understood and agreed that the mere obtainment of a Building Permit does not constitute "substantial implementation" for the purposes hereof.

The foregoing resolution to approve the application was presented and moved by Ennio Munno seconded by Dominic Filippone and carried as follows; Dominic Filippone, aye; Alfred Visalli, aye; Ennio Munno, aye; William Mowerson, absent and John Duffy, aye.

The administrative aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: October 21, 1998

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By: 

John A. Bosco  
Administrative Aide



**OFFICE OF BUILDING, ZONING AND PLANNING  
ADMINISTRATION AND ENFORCEMENT  
TOWN OF ORANGETOWN  
GREENBUSH ROAD  
ORANGETOWN, N.Y. 10962**

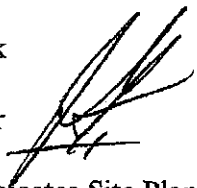
JOHN GIARDIELLO, P.E.  
Director

(914) 359-5100

FAX: (914) 359-8526

February 9, 1999

To: Cheryl Bard, Chief Clerk

From: John Giardiello, Director 

Subject: 2083 Center Associates Site Plan  
Request for One 90 Day Extension  
To File the Site Plan  
LO Zoning  
PB #99-37  
Section 78.09 Block 1 Lot 26 & 27

No objection to issuing the first 90 day extension.

JG:da



**Department of Environmental Management and Engineering  
Town of Orangetown**

Robert J. Beckerle, P.E.  
Director

Route 303 Orangeburg New York 10962  
Tel: (914) 359-6502 • Fax: (914) 359-6951  
February 18, 1999

Planning Board  
Town of Orangetown  
1 Greenbush Road  
Orangeburg, New York 10962  
Attn: Cheryl Bard, Chief Clerk

**Re: 2083 Center Associates**

Gentlemen:

This Department has no objections to the request for a 90 day extension to File the Site Plan.

Very truly yours,

Robert J. Beckerle, P.E.  
Director

RJB/bp

cc: Applicant  
Highway File  
Sewer File

STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION  
4 BURNETT BOULEVARD  
POUGHKEEPSIE, NY 12603

1811

Robert A. Dennison III  
Regional Director

Joseph P. Boardman  
Commissioner

DATE: March 1, 1999

PERMITTEE: Albert Markarian

RE: Permit EXTENSION

Gentlemen:

We hereby amend Highway Work Permit No. 8-96-0245

issued on 4/2/96 Expiration to 11/30/99

---

This Amendment must be attached to the original permit and become part thereof.

Very truly yours,



Donald Greene C.E.I  
Orange & Rockland County

DG:bd  
File:A:P

STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION  
HIGHWAY WORK PERMIT

Permit Fee: \$ 550.00  
Insurance Fee: \$ 0.00  
Total Received: \$ 550.00  
Check or M.O. No.: 1597

Permit No.: 8-96-0245  
Project Identification No.:  
Expiration Date: 06/01/98  
SH No.: 8250  
Deposit Rec. for \$ 1500.00  
Check or M.O. No.: 1596  
Dated: 04/02/96  
Estimated Cost of Work Performed in the State Right-of-Way \$ 0.00  
Chargeable to Bond No.:  
or Undertaking on File: (\$ 0.00)

PERM 17 on file 12/13/96

\*Permittee:  
ALBERT MARKARIAN  
2083 CENTER AVE.  
FORT LEE, NJ 07024  
att: C/O 208 CENTER ASSOC.

Billing Address: (Complete if different from above)

Return of Deposit Made Payable to: (Complete if different from Permittee)

Under the provisions of the Highway Law or Vehicle & Traffic Law, permission is hereby granted to the permittee to:

INSTALL COMMERCIAL ENTRANCE WITH NEW DRAINAGE, CONCRETE CURB & MACADAM SHOULDER. ALL DISTURBED AREAS WITHIN STATE R. O.W. ARE TO BE TOPSOILED SEEDED, AND MULCHED.

THE PERMITTEE IS RESPONSIBLE FOR THE MAINTENANCE AND PROTECTION OF TRAFFIC. ANYONE WORKING IN THE STATE HIGHWAY RIGHT-OF-WAY IS REQUIRED TO WEAR HIGH VISIBILITY APPAREL (ORANGE/YELLOW) AND HARD HAT.

County - ROCKLAND Municipality - ORANGETOWN Route # - 9W

as set forth and represented in the attached application at the particular location or area, or over the routes as stated therein, if required; and pursuant to the conditions and regulations general or special, and methods of performing work, if any; all of which are set forth in the application and form of this permit.

Dated at: POUGHKEEPSIE, N.Y.  
Date Signed: 06/07/96

Commissioner of Transportation

By: W.D. FITZPATRICK

IMPORTANT

THIS PERMIT, WITH APPLICATION AND DRAWING (OR COPIES THEREOF) ATTACHED SHALL BE PLACED IN THE HANDS OF THE CONTRACTOR BEFORE ANY WORK BEGINS. THE HIGHWAY WORK PERMIT SHALL BE AVAILABLE AT THE SITE DURING CONSTRUCTION.

BEFORE WORK IS STARTED AND UPON ITS COMPLETION, THE PERMITTEE ABSOLUTELY MUST NOTIFY THE RESIDENT ENGINEER,

ROBERT L. FALK  
(914)634-4661

2A RIDGE ROAD  
NEW CITY, NEW YORK 10956

UPON COMPLETION OF WORK AUTHORIZED, THE FOLLOWING WILL BE COMPLETED, SIGNED BY THE PERMITTEE AND DELIVERED TO THE RESIDENT ENGINEER.

Work authorized by this permit has been completed. Refund of deposit or return/release of bond is requested.

DATE

PERMITTEE

AUTHORIZED AGENT (if Any)

Work authorized by this permit has been satisfactorily completed and is accepted. Reverse side of this form must be completed.

- Refund of Deposit is authorized
- Return of Bond is authorized
- Amount charged against Bond may be released
- Retain Bond for future permits
- Other

DATE

RESIDENT ENGINEER

The Regional Office will forward this form to the Main Office with the appropriate box checked.

**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  
April 13, 2022  
Page 1 of 21**

**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.

TOWN OF ORANGETOWN  
2022 MAY -2 P 12: 37  
TOWN CLERK'S OFFICE

**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  
April 13, 2022  
Page 2 of 21**

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.

TOWN OF ORANGETOWN  
2022 MAY -2 P 12: 37  
TOWN CLERK'S OFFICE



**Town of Orangetown Planning Board Decision  
April 13, 2022  
Page 3 of 21**

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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**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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**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**

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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

APPROVED FOR THE TOWN OF ORANGETOWN  
April 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



TOWN OF ORANGETOWN  
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TOWN CLERKS OFFICE

**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

TOWN CLERK'S OFFICE

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

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

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

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

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

The Board received the following communications:

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

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

**Public Comments:**

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

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

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The following Pearl River residents opposed the entrance/exit on East Lewis Avenue:

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

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

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.

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

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

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

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

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



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TOWN CLERK'S OFFICE