

TOWN OF ORANGETOWN PLANNING BOARD
Meeting of Wednesday, April 27, 2022

MEMBERS PRESENT: Thomas Warren, Chairman
Michael Mandel, Vice-Chairman
Stephen Sweeney
Andrew Andrews
Lisa DeFeciani, (alternate member)

Denise Lenihan
Kevin Farry

MEMBER ABSENT: Michael McCrory

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

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

Continued item from February 9, 2022 Meeting:

Hauser Site Plan & Tree Remediation Plan
Prepreliminary/ Preliminary/ Final Site Plan,
Tree Remediation Plan and SEQRA Review
200 Kings Highway, Tappan
77.07/1/ 35.1; R-15 zoning district

PB#21-60

**Preliminary Site Plan &
Tree Remediation Plan
Approval Subject to
Conditions/ Neg. Dec.**

New Items:

276 South Boulevard Site Plan
Critical Environmental Area
Prepreliminary/ Preliminary/
Final Site Plan and SEQRA Review
276 South Boulevard, Upper Grandview
71.05/1/41; R-22 zoning district

PB #22-19

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

**Orangetown Shopping Center
Dunkin Donut Site Plan**
Prepreliminary/ Preliminary/ Final Site Plan
and SEQRA Review
Orangeburg Road and
Dutch Hill Road, Orangeburg
74.10/1/67; CS zoning district

PB#22-21

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

Other Business:

1. Referral from the Town Board; GLM 239 § (1) & (m) Zone Change – Gatto Lane, Pearl River, New York. The Board reviewed the Town Board Referral for the Gatto Lane Zone Change and had no comments. The Board also consented to the Town Board to be Lead Agency in SEQRA.
2. Referral from the Town Board; GLM Article 17-A, Amend Chapter 43, adding Article XVIII to address Zoning in the Hamlet of South Nyack. The Board reviewed the Town Board Referral for the Amendment to Chapter 43, addressing the Zoning for South Nyack. The Board had no comments. The Board also consented to the Town Board to be Lead Agency in SEQRA.

TOWN OF ORANGETOWN
2022 JUN -1 12:08:35
TOWN CLERK'S OFFICE

April 27, 2022 Planning Board Meeting

The decisions of the April 13, 2022 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Stephen Sweeney and seconded by Kevin Farry carried as follows: Thomas Warren – Chairman, abstain; Denise Lenihan, aye; Michael Mandel, aye; Stephen Sweeney, aye; Kevin Farry, aye; Michael McCrory, absent; Lisa DeFeciani, (alternate member), aye and Andrew Andrews, aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Andrew Andrews and seconded by Stephen Sweeney and agreed to by all in attendance. The meeting was adjourned at 9:25 p.m. The next Planning Board meeting is scheduled for May 11, 2022.

**Dated: April 27, 2022
Cheryl Coopersmith
Town of Orangetown**



TOWN OF ORANGETOWN
2022 APR 27 PM 03:35
TOWN CLERK'S OFFICE

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MEMBER ABSENT: Michael McCrory

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

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Continued item from February 9, 2022 Meeting:

Hauser Site Plan & Tree Remediation Plan Prepreliminary/ Preliminary/ Final Site Plan, Tree Remediation Plan and SEQRA Review 200 Kings Highway, Tappan 77.07/1/ 35.1; R-15 zoning district	PB#21-60 Preliminary Site Plan & Tree Remediation Plan Approval Subject to Conditions/ Neg. Dec.
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New Items:

276 South Boulevard Site Plan Critical Environmental Area Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review 276 South Boulevard, Upper Grandview 71.05/1/41; R-22 zoning district	PB #22-19 Final Site Plan Approval Subject to Conditions/ Neg. Dec.
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Orangetown Shopping Center Dunkin Donut Site Plan Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review Orangeburg Road and Dutch Hill Road, Orangeburg 74.10/1/67; CS zoning district	PB#22-21 Final Site Plan Approval Subject to Conditions Neg. Dec.
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Other Business:

1. Referral from the Town Board; GLM 239 § (1) & (m) Zone Change – Gatto Lane, Pearl River, New York. The Board reviewed the Town Board Referral for the Gatto Lane Zone Change and had no comments. The Board also consented to the Town Board to be Lead Agency in SEQRA.
2. Referral from the Town Board; GLM Article 17-A, Amend Chapter 43, adding Article XVIII to address Zoning in the Hamlet of South Nyack. The Board reviewed the Town Board Referral for the Amendment to Chapter 43, addressing the Zoning for South Nyack. The Board had no comments. The Board also consented to the Town Board to be Lead Agency in SEQRA.

TOWN CLERK'S OFFICE
2022 JUN - 1 P 12:38
TOWN OF ORANGETOWN

April 27, 2022 Planning Board Meeting

The decisions of the April 13, 2022 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Stephen Sweeney and seconded by Kevin Farry carried as follows: Thomas Warren – Chairman, abstain; Denise Lenihan, aye; Michael Mandel, aye; Stephen Sweeney, aye; Kevin Farry, aye; Michael McCrory, absent; Lisa DeFeciani, (alternate member), aye and Andrew Andrews, aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Andrew Andrews and seconded by Stephen Sweeney and agreed to by all in attendance. The meeting was adjourned at 9:25 p.m. The next Planning Board meeting is scheduled for May 11, 2022.

**Dated: April 27, 2022
Cheryl Coopersmith
Town of Orangetown**



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2022 JUN -1 P 12:38
TOWN CLERK'S OFFICE

**PB #21-60: Hauser Site Plan &
Tree Remediation Plan
Preliminary Approval Subject to
Conditions
Neg. Dec.**

**Tree Remediation #51261
Site Plan #51836**

**Town of Orangetown Planning Board Decision
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**TO: Joseph Hauser, 200 Kings Highway, Tappan
FROM: Orangetown Planning Board**

RE: Hauser Site Plan and Tree Remediation Plan, postponed item:
The application of Joseph Hauser, owner, for Prepreliminary/ Preliminary/ Final Site Plan and Tree Remediation Plan Review at a site known as “**Hauser Site Plan and Tree Remediation 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 200 Kings Highway, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.07, Block 1, Lot 35.1, in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at virtual meetings held **Wednesday, January 12 and February 9, 2022 and in person at the April 27, 2022 meetings**, at which time the Board made the following determinations;

January 12, 2022

Joseph Hauser and Steven Sparaco appeared and testified.

The Board received the following communications:

1. Project Review Committee Reports dated July 7 and November 3, 2022 and, January 5, 2022.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, Director, dated July 6, & November 8, 2021 and January 12, 2022.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated November 5, 2021, and January 7, 2022.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated July 1 & October 28, 2021 and January 3, 2022.
5. A letter from Brooker Engineering, signed by Kenneth DeGennaro, dated November 9, 2021.
6. Letters from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated June 14 and October 29, 2021 and a notice from Michael Kezner, dated June 10, 2021.
7. Letters from Rockland County Drainage Agency signed by Vincent Altieri, Executive Director, dated June 30, 2021 and December 15, 2021.
8. Letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated June 28, 2021.
9. Notices from Rockland County Highway Department, signed by Dyan Rajasingham, dated June 17, 2021.
10. A letter from Rockland County Department of Highways, signed by Scott Lin, P.E., dated January 11, 2012.

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JAN 27 2022
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11. Notices from the Town of Orangetown Zoning Board of Appeals signed by Dan Sullivan, Chairman, dated June 2, 2021.
12. Notice from Suez signed by Bill Prehoda, dated July 29, 2021.
13. Email from Brian McRory to the Planning Board dated November 1, 2021.
14. Letter from Timberline Tree & Landscape, signed by Joh Reeves.
15. A Short Environmental Assessment Form (SEAF) signed by Joseph Hauser dated April 29, 2021, with a revised SEAF dated December 21, 2021.
16. The following plans were submitted:
 - Driveway Concept and Planting Plan prepared by Gregory Mercurio, Registered Landscape Architect, dated April 20, 2021, and
 - Plot Plan Notes & Detail (Sheet 2) for 200 Kings Highway prepared by Sparaco & Youngblood, dated August 5, 2021
17. Photographs and letter from area residents.
18. Building Permit Referrals dated March 24, 2021 and August 16, 2021, prepared by Rick Oliver, Building Inspector.
19. Drainage Analysis prepared by Sparaco & Youngblood, dated August 5, 2021.

The hearing was then opened to the Public.

Public Comment:

Gary and Arlene Pfster, Old Mill Lane, wanted to know if the house would go to HABR. Also, the raised concerns regarding the shape and impact to their property of the driveway.

Bertha Braufeld, 24 Old Mill Lane, representing a number of area residents, raised concerns that there is a prior legal document that describes the type of development on the site.

Brian McCorry, 10 Old Mill Lane raised concerns regarding development of the lot.

The applicant requested a CONTINUATION.

February 9, 2022

Joseph Hauser and Steven Sparaco appeared and testified.

1. Project Review Committee Report dated January 26, 2022.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, Director, dated February 7, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated February 7, 2022.
4. Letter from Rockland County Drainage Agency, signed by Shajan Thottakara, PE, dated February 9, 2022.
5. A Full Environmental Assessment Form, signed by Joseph Hauser, dated January 14, 2022.
6. A letter signed by Joseph Hauser, dated January 21, 2022.
7. Plans entitled "Hauser Concept Plan Janu 21, 2022.

The applicant requested a CONTINUATION.

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April 27, 2022

Joseph Hauser, Steven Sparaco, Wayne Gavioli, and Greg Mercurio appeared and testified.

1. Project Review Committee Report dated April 13, 2022.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, Director, dated April..., 2022.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated April 22 and 25, 2022
4. Interdepartmental memorandum from the Bureau of Fire Prevention, signed by David Majewski, Chief, dated April 12, 2022.
5. Letter from Rockland County Drainage Agency signed by Shajan Thottakara, PE, CFM, dated February 9, 2022 and an email dated March 31 and April 12, 2022.
6. Copy of an email from the US Army Corps of Engineers, from Alexandra Ryan, dated March 21, 2022.
7. A Full Environmental Assessment Form, signed by Joseph Hauser, dated January 14, 2022.
8. A letter signed by Joseph Hauser, dated January 21, 2022.
9. Site Plans prepared by Sparaco & Youngblood, dated August 5, 2021, last revised March 14, 2022, unless noted:
 - Sheet 1 of 5: Plot Plan
 - Sheet 2 of 5: Profiles
 - Sheet 3 of 5: Profiles
 - Sheet 4 of 5: Existing Condition
 - Sheet 5 of 5: Plot Plan Notes & Detail Sheets, last revision date of March 10, 2022
10. Landscape Plan Prepared by Carriage House Gardens and Associates, dated June 8, 2021.
11. Architectural Plans prepared by Roam Architecture, dated February 2, 2022.

The Board reviewed the information and plans and open the meeting up to the Public.

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

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Public Comments:

Brian McRory, 10 Old Mill Lane, Tappan, raised concerns regarding privacy, damage to his property and the loss of trees on the site.

Bertha Braunfeld, 24 Old Mill Lane, Tappan, expressed concerns regarding privacy and would like the natural setting of the site to returned. He discussed a covenant on the property.

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

SEQRA

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (al) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA.

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

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant’s professional representatives, namely Sparaco & Youngblood and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of

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Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Department of Health and having reviewed a proposed Tree Remediation Plan and Site Plan, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown 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 Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, aye; Stephen Sweeney, aye; Kevin Farry, aye; Michael McCrory, absent; Lisa DeFeciani, (alternate member), aye and Andrew Andrews, aye. the Board made a Negative Declaration pursuant to SEQRA.

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DECISION: In view of the foregoing and the testimony before the Board, the application was granted a **Preliminary Site Plan and Tree Remediation Plan Approval Subject to the following Conditions:**

1. The applicant shall contact the Town of Orangetown Building's Department prior to any work on the project site. In addition, 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. A Full Environmental Assessment Form has been received and is under review.

1.) The actual existing and proposed height of the dwelling shall be listed in the bulk table.

2.) The Full Environmental Assessment Form must be revised and resubmitted as follows;

Part 1-

D.1, C – indicate actual square footage amount.

D.1, h – should be YES, i, Drywell, ii, stormwater

D.2, c – Should be YES, i, indicate gallons/day. ii, name of district is Suez/Veolia and all applicable y/n boxes should be checked.

D.2 d – should be YES, i, indicate gallons/day, ii, sanitary wastewater, iii, should be YES, Orangetown, and all applicable y/n boxes should be checked. iv, should be checked NO.

E.2 f – portions of the site have slopes greater than 15%, percentages must be revised.

E.2 h – i, should be checked YES.

E.2 h – iv, Stream name is 856-3

Wetlands – Federal Waters, NYS Wetland, DEC no. NA-140
E.2 i, j, k and l, should be checked YES and principal aquifer listed.

E.3 f – should be checked YES.

DEC no. NA-140
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- 3.) The applicants engineer shall certify in writing to the floodplain administrator that the proposed construction is in compliance with the floodplain regulations of the Town of Orangetown and the Federal Emergency Management Agency.
4. The applicants engineer shall certify to the floodplain administrator that the proposed construction follows the floodplain regulations of the Town of Orangetown and the Federal Emergency Management Agency.
5. ACABOR review and approval is required, however this requirement may be waived by the Planning Board at time of review.
6. HABR review and approval is required.
7. The applicant is reminded that no work is permitted and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Plan is stamped and the construction plans are reviewed and approved for NYS code compliance by the assigned building inspector.
8. The revised drainage report is under review by DEME. The included soil boring, perc tests and determination of groundwater elevations report shall be signed and sealed by a NYS Licensed Professional Engineer. Also, the total area o disturbance shall be added to the Drainage report opening narrative.
9. The applicant's engineer shall include the design specifications, installation, maintenance and performance testing data for the proposed Gravelpave2 system in the drainage report. Also provide the NYSDEC approval for this product as an acceptable infiltration practice.
10. The current drainage design calls for any overflow from the proposed subsurface drywell system to overflow out of the grate on drywell #1. This is unacceptable. An overflow pipe with a level spreader or other energy dissipating device shall be designed for the stormwater system. The design shall be added to the drainage calculations and associated piping and exhaust with energy dissipator shall be shown on the drawings.
11. The site plan call for a sump pump for the proposed basement at the south-west side of the proposed house/ garage. Why is this necessary? It does not appear that the flows from this pump are included in the drainage calculations. Design flows shall be added to the drainage calculations to ensure the proposed sizing of the proposed subsurface stormwater system.

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12. The Site Plan (Sheets 1 of 5) and drywell interconnection detail (sheets 3 of 5) call for 4 -10- foot diameter, 9- foot deep drywells. The plans, details and drainage report shall be coordinated to all represent the same design and all discrepancies must be resolved.

13. Curbing shall be depicted and labeled along the entire north/east side of the driveway, from Kings Highway to the cul-de-sac, in order to contain all of the stormwater runoff from the proposed paved driveway.

14. Additional catch basins, with connection piping, shall be added to the proposed driveway to assist in capturing stormwater runoff and directing it to the proposed subsurface stormwater detention system.

15. The existing and proposed slopes shall be provided on the driveway profiles. Also, the vertical curve information shall also be provided.

16. Soil erosion and sediment control (SESC) features shall be shown around all catch basins and drywells with top grates.

17. SESC symbols shall be added to the drawing legend.

18. Note #16 on sheet 1 of 5 states that "Any existing sanitary house connection that is proposed to be abandoned must be plugged between the edge of the Right of Way and the curb line with a permanent water tight plug or cap encased in concrete." This is unacceptable and the note shall be changed. The note shall be modified to state "Any existing sanitary sewer house connection shall be removed in its entirety from the existing house/ structure to the sanitary main. The connection shall be cut and capped at the main." Also, the site plan shall label the existing sanitary house connection as To Be Removed.

19. The size, slope, length and material of the existing sanitary house connection, between the main and the existing cleanout that is to be re-used, shall be labeled on the plan and the profile. Also, two different top and invert elevation are given on all of the plans for this existing clean out. This shall be corrected.

20. The Existing Condition Plan (Sheet 5 of 5) does not show the "existing" cleanout and piping that the new/proposed sanitary house connection is to tie into. Does this cleanout/connection actually exist? The applicant's engineer shall verify this and makes all appropriate changes/ revisions to the drawings.

21. A post construction stormwater maintenance agreement, in accordance with NYSDEC Phase II regulations, for the proposed stormwater system shall be submitted to DEME and the Town of Orangetown Town Attorney's Office for view 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 DEME, etc.

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22. Copies of all correspondence, including any and all approvals from 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 DEME, prior to signing the map.

23. DEME has still not been contacted by the Applicant indicating that soil erosion and sediment control features, called for the SESC Plan entitled "Existing Conditions Plan and Temporary Sediment and Erosion Control Plan for 200 Kings Highway", prepared and signed by Steve Sparaco (Sparaco and Youngblood), dated January 5, 2022 and approved by DEME, have been installed.

24. Notwithstanding item #1, DEME performed a site visit this afternoon and found the following issues:

- a. The erosion control measures are not installed as per the approved plan
- b. The silt fencing is not completely buried as per the NYSDEC approved detail.
- c. There are multiple gaps in the silt fencing that could allow silt laden water to flow to the Sparkill Creek.

Therefore;

1. The applicant must IMMEDIATELY install the SESC features as per the approved plan referenced above.
 2. The applicant MUST notify DEME as soon as the SESC features have been installed properly and as per the plan so that we can re-inspect it.
- Note that in an effort to work with applicant and save time, the above referenced plan was approved on January 6, 2022.

25. The application has provided sufficient information to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated. Brooker Engineering, the Planning Board's Drainage Consultant, therefore recommends that the Hauser Site Plan be approved for drainage subject to the following comments.

Project Description

This is the third drainage review report for this project; the last review was dated November 9, 2021. The project consists of the removal existing single-family structure and construction of a new single-family home, driveway, and construction of a new swimming pool north.

The Sparkill Creek is located on the site, in a valley below the proposed developed area. There is a north south ridge through the center of the site; portions of stormwater runoff flow west of this ridge directly to the Sparkill Creek and portions flow east towards Kings Highway. The drainage calculations accurately model the two hydrologic points of interest. Four ten-foot diameter, eight feet deep drywells are proposed to provide stormwater mitigation for the increase in impervious area. Soil percolation tests have been performed for this submission to support the design of the drywells.

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Continuation of Condition #25...

Project Comments

1. As per the January 12, 2022 and November 9, 2021 drainage reviews, provide an elevation certificate for the proposed construction.

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

- A review shall be completed by the Rockland County Drainage Agency and any required permits obtained.
- If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.
- Since there are NYS wetlands on the site, a review must be completed by the New York State Department of Environmental Conservation and all required permits obtained.
- The engineer of record shall certify to the Floodplain administrator for Orangetown that the proposed construction is in compliance with the floodplain regulations of the Town and Federal Emergency Management Agency.
- The applicant must comply with the comments made by the Rockland County Department of Health in their letter of October 14, 2021.
- The application for Building Permit indicates an in-law addition is to be added. If this addition will serve as a second dwelling unit, or in-law apartment, it must comply with the regulations found in Section 4.5 of the Town's Zoning Code.
- Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (Nov. 2016) of the NYS Standards 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 Villages, Town, 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 PE and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to RCDOH.

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2022 JUN - 1 P 12:39
TOWN OF ORANGETOWN

**PB #21-60: Hauser Site Plan &
Tree Remediation Plan
Preliminary Approval Subject to
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Neg. Dec.**

**Tree Remediation #51261
Site Plan #51836**

**Town of Orangetown Planning Board Decision
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Continuation of Condition #26...

- For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by RCDOH prior to constructions.
- The existing well must be properly decommissioned prior to its removal. The RCDOH must be notified of the intent to decommission the well, and monitor the process to ensure that it is done in compliance with the specifications of Article II of the RC Sanitary Code. All required permits must be obtained from them.
- The map denotes the lot line between lots 77.05-1-35/1 & 35.2 as the former lot line. The site plan and application review form refer to the subject lot as 77.05-1-35, indicating the two lots have been merged. The cover letter, SEQR Lead Agency document, application for building permit, and out records indicate the subject parcel is 77.05-1-35.1. further, our records show 77.05-1-35.2 as a separate lot. Our department reviewed an application to re-subdivide the two lots in April 2004. No minutes from the Planning Board meeting have been provided indicating what action was taken so it is unclear whether the re-subdivision was approved. It must be clarified whether the two lots have been merged or if they remain separate. If the lots have not been merged, it must be stated if lot 35.2 is a part of the application, as this will affect compliance with the bulk standards, and an access easement will be required.
- If the re-subdivision was approved, a filed map cannot be used to convey property, nor can the tax maps be updated with the lot changes, until the deeds are filed with the County Clerk, conveying the portions of the lots that are required to achieve the lot configuration indicated on the subdivision map. The applicant and the town must make sure that the deeds are properly filed with the County clerk to ensure the tax maps are properly updated.
- Several questions on the Short Environmental Assessment Form are answered incorrectly. The EAF Mapper Application, provided by NYSDEC indicates that questions 12b, 13a and 16 should be answered affirmatively.
- It is our understanding that the c. 1780 or earlier Brower House (Hoffman) is located on the subject property and is associated with the historic Bower's Mill. We suggest that the significance of any historic resources located on the property be evaluated. Any future development should be designed to protect significant historic resources, including their contributing features and landscapes.
- The actual building height proposed must be indicated on the bulk table, rather than " <30' ". The bulk table shall not include estimations.

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- The site plan must contain a vicinity map that has a north arrow and scale.

27. Based on the information provided the Rockland County Health Department (RCDOH) offered the following comment.

1. RCDOH have received plans for the project and at this time grand approval of the Stormwater Facility/ Article 19 Mosquito Control. Please be advised that this approval is solely for compliance with Article 19 of the Rockland county Sanitary Code (mosquito Code) and other agency approvals may be necessary for this project.

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

29. Rockland County Drainage Agency (RCDA) has reviewed the information submitted and available and provided the following comments:

1. The certified County Planning Information Certification submitted indicates that the matter was NOT OVERRIDDEN by the local board, indicated by the selection of Item "C", however, the supporting local board's minutes are not provided. Please provide the RCDA with a copy of the minutes of the local board adopting the Commissioner's report/comments, as noted under the item selection "C".
2. Please indicate the vertical datum used for grade elevations shown on the project plans, as previously requested. If it is different than NAVD 88, please indicate provided a conversion factor that converts it to NAVD 88. Current submission did not address this comment. Please note that contrary to the response, the RCDA is NOT requesting a new survey.
3. The delineation of the 100-year floodplain limits along eastern side of the Sparkill Creek appears to be consistent with the effective Flood Insurance Rate Map (FIRM); however, western side delineation appears to be inconsistent as it indicates a different flood elevation than eastern side of the stream. Upon addressing the comment regarding datum above, please revise the delineation along the western side to be consistent with the eastern side and effective FIRM and based on the elevations per datum, used as previously requested.

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4. Please provide a mechanism to prevent floating debris from entering the infiltration system through the curb inlet basin, such as an inverted pipe or hooded overflow pipe and revise the catch basin detail as necessary, as previously requested. Current submission did not address this comment.
5. The project site is partly within the NYS designated wetland, NA-1, which is also a Rockland County (RC) wetlands, pursuant to the Freshwater Wetlands Protection Law of Rockland County, Chapter 270. In addition, the site is partly within the designated federal wetland, PFOFIC. The current project drawings do not identify the wetland limits within the site with requested documents. Therefore, please address the following, as previously requested.
 - a. Please delineate the NYS-RC and Federal wetlands limit at the site with appropriate labels/legends.
 - b. Please provide a copy of the permit and/or determination that a permit not required from the NYSDEC to the RCDA.
 - c. Upon delineation, if any disturbance is proposed within the federal wetlands, please provide a copy of the permit and/or determination that a permit not required from the US army Corps of Engineers to the RCDA.
6. Please provide the certification issued by the Floodplain Administrator for the Town of Orangetown indicating that the proposed construction follows the floodplain regulations of the Town of Orangetown and the Federal Emergency Management Agency, as previously requested. Alternatively, please have the Floodplain Administrator certify that the entire project is outside the 100-year floodplain limits.
7. Please provide the RCDA with an engineer's estimate of cost of construction for the proposed storm drainage improvements, detention/storage facilities, and soil erosion and sediment control measures for the required performance bond, as previously requested. As indicated in the Rockland County Stream Control Act Permit Application rules and regulations, a performance Bond for the proposed performance of all work affecting County streams is required.
8. Note that all drawings and calculations submitted in support of the application must be signed and stamped or sealed by a Professional Engineer or a Registered Architect licensed in the State of New York. **No work shall be done at the site prior to obtaining the required Stream Control Act Permit from the RCDA.**

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30. Based on the drawing, it does not appear that the project would require a Department of Army permit. The Army Corps of Engineers regulates activities that include dredging or construction activities in or over any navigable waters of the United States, the placement of any dredged or fill material in any waters of the US, including coastal or inland wetlands, or the accomplishment of any work affecting the course, location, condition or capacity of such areas. Such activities may require a Department of the Army Permit, in accordance with 33 CFR 320-332. As long as the work is conducted outside any wetlands and does not discharge into the Sparkill Creek, the project is out of the Department of the Army jurisdiction.

31. Orange and Rockland Utilities reviewed the submitted information and found that there is an existing service at 200/202 Kings Highway. O&R New Business Department must be contacted for all disconnects and installations. All code 753 rules must be followed.

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

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

- Town of Orangetown Zoning Board of Appeals
- Rockland County Department of Highways
- Rockland County Department of Planning
- Rockland County Health Department

34. 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.

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

36. 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:

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

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

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

37. 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.

38. 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.

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

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40. 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).

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

42. 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

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

The foregoing Resolution was made and moved by Michael Mandel, Vice Chairman, and second by Lisa DeFeciani and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Stephen Sweeney, opposed; Kevin Farry, aye; Michael McCrory, absent; Lisa DeFeciani, (alternate member), 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 27, 2022
Town of Orangetown Planning Board**
attachment



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

PB #21-60: Hauser Tree Remediation and Site Plan – Final Approval Subject to Conditions- Critical Environmental Area

**Town of Orangetown Planning Board Decision
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This notice is issued pursuant to Part 617 of the implementing regulations **Neg. Dec.**

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: Hauser Tree Remediation and Site Plan –Preliminary Approval Subject to Conditions-

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

DESCRIPTION OF ACTION: Tree Remediation Plan and Site Plan Review

LOCATION: The site is located at 200 Kings Highway, Tappan, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 77.07, Block 1, Lot 35.1, in the R-15 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

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**PB#22-19: 276 South Boulevard Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions
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Permit #BLDR-146-21

**Town of Orangetown Planning Board Decision
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**TO: Evan Rossiter, 276 south Boulevard, Upper Grandview, New York
FROM: Orangetown Planning Board**

RE: 276 South Boulevard Plan – Critical Environmental Area: The application of Evan Rossiter, applicant for Evan & Jillian Rossiter, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site known as “**276 South Boulevard Site Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown 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 276 South Boulevard, Upper Grandview in the Critical Environmental Area, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lot 41 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **April 27, 2022** at which time the Board made the following determinations:

Evan Rossiter and Jonathan Wolfe appeared and testified.

The Board received the following communications:

1. Project Review Report dated April 13, 2022.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated April 21, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated April 22, 2022.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief, dated April 12, 2022.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated April 26, 2022.
6. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated April 12, 2021.
7. Notice from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated March 22, 2022.
8. Letters from Rockland County Department of Health, signed by Elizabeth Mello, P.E., dated April 4, 2022.
9. Letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated March 30, 2022.
10. Email from Orange & Rockland Utilities dated March 14, 2022 from Alfred Gaddi.

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11. Notices from the Town of Orangetown Zoning Board of Appeals dated Mach 4, 2022.
12. Notice from Veolia (aka Suez) from William Prehoda, dated April 11, 2022.
13. Short Environmental Assessment Form signed by Evan Rossiter, dated January 18, 2022.
14. Building Permit Referral to the Planning Board dated November 10, 2021 signed by Rick Oliver, Building Inspector.
15. Deck Expansion Plan prepared by Jonathan Wolf Architecture and Design, dated December 27, 2021.
16. Site Plan prepared by Paul Gdanski, PE, dated May 13, 2021, last revised March 8, 2022.
17. Email from Jonathan Wolfe, dated April 27, 2022.

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

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

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

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 Michael Mandel, Vice Chairman and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman; Stephen Sweeney, aye; Kevin Farry, aye; Michael McCrory, absent; Lisa DeFeciani, (alternate member), absent and Andrew Andrews, aye the Board declared itself Lead Agency.

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

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

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;

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**PB#22-19: 276 South Boulevard Site Plan
Critical Environmental Area
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- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

On motion by Michael Mandel, Vice Chairman and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, aye; Stephen Sweeney, aye; Kevin Farry, aye; Michael McCrory, absent; Lisa DeFeciani, (alternate member), absent 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 Final Site Plan Approval Subject to the Following Conditions:**

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

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

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3. The Short Environmental Assessment Form (SEAF) must be revised as follows;
 - Part 1 – 12 (b) Shall be checked YES.
 - Part 1 – 15 – Shall be checked YES, Atlantic and Shortnose Sturgeon.
 - Part 1 – 20 – Shall be checked YES, Blauvelt State Park, State Superfund Site.
4. A revised signed/sealed site plan must be provided with the following;
 - a) Drawing title to indicate Proposed Deck Expansion.
 - b) The existing pool, deck, and house should be labeled as "Existing" and all notes that are referencing work that is not part of this application should be removed from the drawing.
5. The following variances are required.
 - Per Chapter 43, Article 5.21 (b), Minimum side yard required is 20' with 15.9' proposed and Rear Yard Variances.
6. Drawing A-1 setback dimensions and the bulk table do not match the site plan as prepared by Paul Gdansk, PE. Must be revised.
7. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained and the Final Site Plan is stamped.
8. The Deck Expansion plan and the SEAF state that this project is only a deck expansion, however the second drawing shows a patio and pool as being proposed as well. Which drawing is correct. The existing and proposed conditions shall be coordinated and clearly shown on all of the plans and writeups.
9. Will the stormwater runoff from the proposed covered showers be directed to subsurface stormwater system? If so, the applicant's engineer shall provide drainage calculations showing that there is adequate capacity in the stormwater system for the additional impervious area, up to the 100-year storm.
10. Soil erosion and sediment control plans and details shall be submitted to DEME for review and approval.

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11. The existing sanitary sewer house connection shall be shown on the drawings.

12. The ownership of the existing 10 sanitary sewer easement shall be given on the plans. Also, all existing piping and manholes within the easement shall be shown on the plans, including pipe size, slope, length and material, plus top and invert elevations for all manholes.

13. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the existing/proposed stormwater systems shall be submitted to DEME and the Town of Orangetown 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 DEME, etc.

14. The Town of Orangetown Bureau of Fire Prevention had no comment at this time.

15. Drainage Review-Brooker Engineering

The application has provided calculations to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated. Brooker Engineering, the Planning Board's Drainage Consultant recommends that the 276 South Boulevard Site Plan be approved for drainage subject to the following comments:

This is the first drainage review report for this project. The property is located on the east side of South Boulevard; stormwater runoff flows east though the site. There is an existing single-family home on the property and a new pool and patio were constructed in 2021. Stormwater detention was provided for this site work. The proposed project consists of a 32-feet by 11 feet deck extension. Stormwater runoff will flow through the open joints in the deck and increases in stormwater runoff are nominal and do not require mitigation.

Project Comments:

1. Change the labels of the proposed pool and patio on the site plan to "existing."
2. Show the as-built location of the stormwater detention facility
3. Add a note on the site plan and architectural for the minimum spacing between floor boars on the new deck.

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

- A review shall be completed by the Rockland County Department of Highways and any concerns addressed, and any required permits obtained.
- A review shall be completed by the Palisades Interstate Park Commission, and any concerns addressed.
- A review must be done by the Rockland County Department of Health to ensure compliance with the County Mosquito Code.
- Several questions on the Short Environmental Assessment Form are answered incorrectly. The EAF Mapper Application, provided by NYSDEC indicates that questions 12b, 15 and 20 should be answered affirmatively.
- The Use Group is missing from the Bulk Requirements Table on the Pool plan. The use group must be indicated on the table.
- The bulk requirements table includes a requirement of 20 feet for a Rear Setback Street. The bulk table must reference the section of the zoning code where this regulation is listed.

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

18. 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.

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**Town of Orangetown Planning Board Decision
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19. Orange and Rockland Utilities reviewed the submitted information and found that the proposed deck may be in conflict with the existing gas service. The existing service enters the home in the approximate location of the proposed deck expansion. The location must be verified prior to construction. Please contact new business for any disconnects/reconnects. All code 753 rules must be followed.

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

- Rockland County Health Department
- Rockland County Highway Department
- Town of Orangetown Zoning Board of Appeals
- Rockland County Sewer District #1

21. 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.

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

23. 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:

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Continuation of Condition #23...

- Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.
- The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

24. 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.

25. 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.

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

27. 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).

TOWN CLERK'S OFFICE
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**PB#22-19: 276 South Boulevard Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit # BLDR-146-21

**Town of Orangetown Planning Board Decision
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28. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.

29. 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

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

The foregoing Resolution was made and moved by Michael Mandel, Vice Chairman and seconded by Stephen Sweeney and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, aye; Stephen Sweeney, aye; Kevin Farry, aye; Michael McCrory, absent; Lisa DeFeciani, (alternate member), 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 27, 2022
Town of Orangetown



TOWN OF ORANGETOWN
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TOWN CLERK'S OFFICE

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

**PB#22-19: 276 South Boulevard Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit # BLDR-146-21

**Town of Orangetown Planning Board Decision
April 27, 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: 276 South Boulevard Plan – Critical Environmental Area
SEQR STATUS: Type I _____ Unlisted XXXXXX
CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 276 South Boulevard, Upper Grandview in the Critical Environmental Area, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lot 41 in the R-22 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

The project will not have a significant impact upon the environment and a DEIS need not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels or existing external traffic patterns. In addition, it will have no impact upon the aesthetic, agricultural or cultural resources of the neighborhood. No vegetation, fauna or wildlife species will be affected as a result of this proposed development. 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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TOWN OF ORANGETOWN

**PB#22-21: Orangetown Shopping Center
Dunkin Donut Plan
Final Site Plan Approval
Subject to Conditions/ Neg. Dec.**

Permit # 50736

**Town of Orangetown Planning Board Decision
April 27, 2022
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**TO: Ira Emanuel, 4 Laurel Road, New City, New York
FROM: Orangetown Planning Board**

RE: Orangetown Shopping Center – Dunkin Donut Pad Site Plan:
The application of Ustadt Biddle Properties, owner, for Prepreliminary/
Preliminary/ Final Site Plan Review at a site to be known as “**Orangetown
Shopping Center – Dunkin Donut Pad 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 Orangeburg Road and Dutch Hill Road,
Orangeburg, Town of Orangetown, Rockland County, New York, and as shown
on the Orangetown Tax Map as Section 74.10, Block 1, Lot 67 in the CS zoning
district.

Heard by the Planning Board of the Town of Orangetown at a meeting held
Wednesday, April 27, 2022, the Board made the following determinations:

Ira Emanuel, Juan Yepes, Andrew Albrecht, Rob Aiello, Walter Buszek, Mike
McAdler and Cynthia Falls appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated April 13, 2022.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning
Administration and Enforcement, Town of Orangetown, signed by
Jane Slavin, AIA, Director, dated April 21, 2022.
3. Interdepartmental memorandum from the Department of Environmental
Management and Engineering (DEME), Town of Orangetown, signed by
Bruce Peters, P.E., dated April 22, 2022.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of
Orangetown, signed by David Majewski, Chief Fire Inspector, dated
April 12, 2022.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE., dated
April 26, 2022.
6. Letter from the Rockland County Department of Planning, signed by
Douglas Schuetz, Acting Commissioner of Planning, dated April 5, 2022.
7. Letter and notices from the Rockland County Health Department, signed by
Dyan Rajasingham, P.E., dated March 16, 2022.
8. A letter from Rockland County Sewer District, signed by Joseph LaFiandra,
Engineer II, dated March 30, 2022.
9. Email from Orange and Rockland Utilities dated March 8, 2022 from Alfred
Gaddi, PE, Principal Engineer.
10. Email from the Rockland County Drainage Agency, dated March 30, 2022,
from Shajan Thottakara, PE.

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11. Notices from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated March 16, 2022.
12. A Short Environmental Assessment Form, signed by Juan Yepes, dated April 22, 2022.
13. Project Narrative from Emanuel Law, dated January 18, 2022.
14. Project Comment letter from JMC signed by Juan Yepes, Project Manager, dated April 20, 2022.
15. Prior decision PB#16-39, Final Site Plan Amendment Subject to Conditions, dated July 13, 2016.
16. Copy of the Building Permit Referral dated October 20, 2020, signed by Rick Oliver, Building Inspector.
17. Plans prepared by JMC, dated August 30, 2021, last dated January 21, 2022, unless noted:
 - SP-1: Cover Sheet
 - SP-2: Overall Existing Conditions
 - SP-3: Existing Conditions
 - SP-4: Demolition Plan
 - SP-5: Overall Layout Plan
 - SP-6: Layout Plan
 - SP-7: Grading Plan, dated August 27, 2021
 - SP-8: Utilities Plan
 - SP-9: Utilities Profile Plan
 - SP-10: Erosion and Sediment Control Plan, dated June 8, 2016
 - SP-11: Landscaping Plan
 - SP-12: Lighting Plan, dated June 7, 2016
 - SP-13: Construction Details
 - SP-14: Construction Details
 - SP-15: Construction Details
 - SP-16: Construction Details
18. Architectural Plans prepared by GK&A Architects, dated January 19, 2022:
 - A1.0: Proposed Floor Plan
 - A2.0: Proposed Exterior Elevations
 - A3.0: Proposed Exterior Elevations

The Board reviewed the plans. The Board opened the meeting to the Public.

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

TOWN CLERK'S OFFICE
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TOWN OF ORANGETOWN

**PB#22-21: Orangetown Shopping Center
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There being no one from the public, a motion was made to close the Public Hearing portion of the meeting by Stephen Sweeney and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Michael McCrory, absent; Lisa DeFeciani, (alternate member), aye and Andrew Andrews, aye.

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 Michael Mandel, Vice Chairman and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, aye; Stephen Sweeney, aye; Kevin Farry, aye; Michael McCrory, absent; Lisa DeFeciani, (alternate member), aye and Andrew Andrews, aye, the Board declared itself Lead Agency.

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant’s professional representatives, namely JMC Site Development Consultants and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Highway Department, Town of Orangetown Zoning Board of Appeals, Rockland County Department of Planning, Rockland County Sewer District No. 1, and having reviewed proposed Site Plan a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

On motion by Michael Mandel, Vice Chairman and seconded by Stephen Sweeney and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, aye; Stephen Sweeney, aye; Kevin Farry, aye; Michael McCrory, absent; Lisa DeFeciani, (alternate member), 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 **Final Site Plan Approval Subject to the Following Conditions:**

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

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

3. Add a 4-foot fence as top of the retaining wall along Orangeburg Road.

4. Fence around the patio where the grade requires at 36".

5. All easement information shall be shown on the site plan. In addition, locate the fire hydrant on the site plan and the height of the curb and patio.

6. The Short Environmental Assessment Form (SEAF) must submitted.

7. Applicant must submit a separate application for any proposed signage.

8. The application shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.

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

10. The applicant's engineer shall verify in writing that there is no increase in impervious area from the previously approved site plan/ drainage design.

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

12. The applicant's engineer is strongly advised to relocated the proposed sanitary sewer main run from SMH A-2 to SMH A-3, due to its very close proximity to the proposed retaining wall/retaining wall's footing.

13. The applicant is advised that the Town of Orangetown has a F.O.G. (Fat, Oil and Grease) program, which must be compiled with. The applicant shall contact the Town's F.O.G. Coordinator to determine this application's compliance with the F.O.G. program.

14. 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.

TOWN OF ORANGETOWN
PLANNING BOARD
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15. The Town of Orangetown Bureau of Fire Prevention offered the following comments Show fire lane/zone striping and signage.

1. An Ariel Fire Apparatus access road is required for buildings over 30'. Access road minimum width is 26', 23' is shown. Road must be located not less than 15' and not greater than 30' from the building. Label Ariel Access road on the plan. 2020 NYS IFC D105.2
2. A hydrant must be within 600' of all portions of the building measured along an approved access route. Show nearest hydrant to proposed building. 2020 NYS IFC 507.5.1
3. The southern entrance appears to restrict Fire Apparatus access. Access road shall be at least 20'. 2020 IFC 503.2.1 Show that a straight fire apparatus 47' long with a 246" wheelbase can enter the property from both directions.

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

16. Drainage Review Recommendation – Brooker Engineering

The proposed action has provided calculations to demonstrate that potential significant increases in stormwater runoff can be mitigated. Brooker Engineering, the Planning Board Drainage Consultant, therefore recommends that the Orangetown Shopping Center – Dunkin Donut Pad Site Plan be approved for drainage subject to the following Project Comments.

Project Description

This is the first drainage review report for this project. The proposed action consists of the construction of a new Dunkin Donuts commercial building at the Orangetown Shopping Center. The building is located over an existing paved parking area. The project disturbs less than one acre, and includes regrading of the parking lot and the driveway to the south of the new building. The existing drainage pattern is being maintained, with an additional piped storm drainage system being added in the new building to decrease surface water over the existing parking areas.

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Continuation of Condition #16...

1. Provide the existing and proposed lot coverage calculations for the disturbed area of the site on the Site Plan
2. Show a foundation drain on the west side of the building.

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

- A review must be completed by the Palisades Interstate Park Commission and any concerns addressed.
- A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town of Orangetown Fire Inspector, or the Orangeburg Fire District to ensure that the site is designed in a safe manner and there is sufficient maneuverability on the site for emergency vehicles.
- Fire zones must be clearly marked on the site plan. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.
- A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required shall conform to the current regulations, including the NYS Stormwater Management and Design Manual (August 2010) and locale ordinances.
- Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the NYS Standards 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 demand so f 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 specification shall be reviewed and approved by the Rockland County Department of Health prior to construction.

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Continuation of Condition #17...

- 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. Providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by customers and the temporary storage of other vehicles. In addition, this will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion.
- A garbage truck turning analysis plan must be provided to illustrate how a garbage truck will maneuver through the site. Garbage pickup hours must not occur at a time where the truck movements will create conflict with vehicles in the drive-thru queue or parked vehicles.
- All proposed signage shall be indicated on the site plan and shall conform to the Town of Orangetown's sign standards.
- The actual building height proposed must be indicated on the bulk table, rather than ">35'. The bulk table shall not include estimates. In addition, a building height of >35' indicates that the proposed building height is greater than the maximum permitted height. A variance application for maximum building height must be submitted to the town of Orangetown Zoning Board of Appeals, if this is the case.
- The drawing notes on Sheets SP-2, SP-3 and SP-6 of the site plan appears to be truncated with the text cut off. This must be corrected so that the full extent of the notes is shown and any notes unrelated to the sheet are completely removed.

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

- Application is to be made to the Rockland County Department of Health for sanitary sewer extension approval
- It is unclear if the proposed water connection meets the requirements for a water main extension. Additional details are required. Application may be required to the Rockland County Health Department for a water main extension approval
- A permit for the kitchen will need to be obtained from the Rockland County Department of Health.
- Application is to be made to the RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.

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

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20. Orange and Rockland Utilities (O&R) reviewed the submitted plans and offered the following comments:
The proposed work may be in conflict with an existing 2" gas stub for the development. O&R's New business must be contacted for any new services and all code 753 rules must be followed.

21. New York State Department of Transportation (NYSDOT) reviewed the submitted information and offered the following comment:

- Since the project is off system a NYSDOT permit will not be required. If the Town asks for a Traffic Study, please send a copy for review, if the study area have the intersection of Route 303/Orangeburg Road.

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

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

23. 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.

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

25. 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:

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

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TOWN OF ORANGETOWN

**PB#22-21: Orangetown Shopping Center
Dunkin Donut Plan
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Continuation of Condition #25...

- Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.
- The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

26. 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.

27. 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.

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

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

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TOWN OF ORANGETOWN

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

31. 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 DEMA 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

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

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

The foregoing Resolution was made and moved by Stephen Sweeney and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Michael McCrory, absent; Lisa DeFeciani, (alternate member), 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 27, 2022
Cheryl Coopersmith
Attachment



TOWN OF ORANGETOWN
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TOWN CLERK'S OFFICE

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

**PB#22-21: Orangetown Shopping Center
Dunkin Donut Plan
Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

Permit # 50736

**Town of Orangetown Planning Board Decision
April 27, 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: Orangetown Shopping Center – Dunkin Donut Pad 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 Orangeburg Road and Dutch Hill Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.10, Block 1, Lot 67 in the CS zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

TOWN CLERK'S OFFICE

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